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JOURNAL

OF THE

INDIANA STATE SENATE,

DURING THE

THIRTY-SIXTH SESSION

OF THE

GENERAL ASSEMBLY,

COMMENCING

DECEMBER 1, 1851.

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JOURNAL  
OF THE  
SENATE OF INDIANA.

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*The thirty-sixth session of the General Assembly of the State of Indiana, begun and held at the Capitol, in the city of Indianapolis, on Monday, the first day of December, in the year of our Lord one thousand eight hundred and fifty-one.*

The Hon. James H. Lane, Lieutenant Governor of the State of Indiana, and President of the Senate, took the Chair, and directed a call of the Senators whose offices had not become vacated since the last session: whereupon, the following Senators appeared and took their seats:

*From the counties of Adams and Allen—Samuel S. Mickle.*

*From the counties of Blackford, Delaware and Grant—Jacob Brugh.*

*From the counties of Carroll and Clinton—Thomas Kinnard.*

*From the counties of Cass, Howard and Pulaski—George B. Walker.*

*From the counties of Clay, Sullivan and Vigo—James M. Hanna.*

*From the county of Clark—James S. Athon.*

*From the counties of Crawford and Orange—Houston Miller.*

*From the county of Dearborn—James P. Milliken.*

*From the counties of De Kalb and Steuben—Reuben J. Dawson.*

*From the counties of Dubois, Gibson and Pike—Benjamin T. Goodman.*

*From the counties of Fayette and Union—John S. Reid.*

*From the county of Floyd—John B. Winstandley.*

*From the county of Fountain—Solon Turman.*

*From the county of Franklin—George Berry.*

*From the counties of Greene and Owen—Jesse I. Alexander.*

*From the counties of Hancock and Madison—John Hunt.*

*From the county of Jefferson—Joseph G. Marshall.*

*From the counties of Lake, Laporte and Porter—Abraham Teegarden.*

*From the county of Lawrence—George G. Dunn.*

*From the county of Marion—Nicholas McCarty.*

*From the counties of Miami and Wabash—Benjamin Henton.*

*From the county of Morgan—Alfred M. Delevan.*

*From the county of Montgomery—Joseph Allen.*

*From the counties of Ohio and Switzerland—John Woods.*

*From the counties of Posey and Vanderburgh—Enoch R. James.*

*From the county of Ripley—Hiram Knowlton.*

*From the county of Rush—Reuben D. Logan.*

*From the county of Tippecanoe—John W. Odell.*

*From the county of Washington—James A. Cravens.*

*From the county of Wayne—David P. Holloway.*

The following Senators, elected since the last session of the General Assembly, appeared and produced their credentials, and were duly sworn or affirmed, as required by the Constitution, by the Hon. James H. Lane, President of the Senate:

*From the counties of Bartholomew and Jennings—John L. Spann.*

*From the counties of Benton, Jasper, Warren, and White—Robert C. Kendall.*

*From the counties of Boone, Hamilton, and Tipton—L. C. Dougherty.*

*From the counties of Brown and Monroe.—James S. Hester.*

*From the county of Decatur—R. H. Crawford.*

*From the county of Harrison—William M. Saffer.*

*From the county of Hendricks—John Witherow.*

*From the county of Henry—E. T. Hickman.*

*From the counties of Huntington and Wells—James R. Slack.*

*From the counties of Jackson and Scott—Frank Emerson.*

*From the county of Johnson—Gilderoy Hicks.*

*From the counties of Noble, Kosciusko, and Whitley—Thomas Washburn.*

*From the counties of Parke and Vermillion—O. P. Davis.*

*From the counties of Perry, Spencer, and Warrick—Job Hatfield.*

*From the county of Putnam—Henry Secrest.*

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*From the counties of Randolph and Jay*—Thomas M. D. Long shore.

*From the county of Shelby*—James M. Sleeth.

On motion of Mr. Sleeth,

The Senate proceeded to the election of Principal Secretary, by a *viva voce* vote.

*Those who voted for John P. Dunn were,*

Messrs. Alexander, Allen, Athon, Berry, Brugh, Cravens, Crawford, Davis, Dawson, Delavan, Dougherty, Dunn, Emerson, Goodman, Hanna, Hatfield, Henton, Hester, Hickman, Hicks, Holloway, Hunt, James, Kendall, Kinnard, Knowlton, Logan, Longshore, Marshall, McCarty, Mickel, Miller, Milliken, Reid, Saffer, Secrest, Slack, Sleeth, Spann, Teegarden, Turman, Walker, Washburn, Winsteadley, Witherow, and Woods—46.

Mr. Dunn, having received all the votes given, was thereupon declared duly elected Principal Secretary of the Senate, to serve as such during the present session.

Whereupon, Mr. Dunn came forward, took the oath of office and entered upon the discharge of his duties.

On motion of Mr. Cravens,

The Senate proceeded to the election of Assistant Secretary.

*Those who voted for James H. Vawter were,*

Messrs. Alexander, Allen, Athon, Berry, Brugh, Cravens, Crawford, Davis, Dawson, Delavan, Dougherty, Dunn, Emerson, Goodman, Hanna, Hatfield, Henton, Hester, Hickman, Hicks, Holloway, Hunt, James, Kendall, Kinnard, Knowlton, Logan, Longshore, Marshall, McCarty, Mickel, Miller, Milliken, Reid, Saffer, Secrest, Slack, Sleeth, Spann, Teegarden, Turman, Walker, Washburn, Winsteadley, Witherow, and Woods—46.

Mr. Vawter, having received all the votes given, was thereupon declared duly elected Assistant Secretary, to serve as such during the present session.

Whereupon, Mr. Vawter took the oath of office and entered upon the discharge of his duties.

On motion of Mr. Mickel,

The Senate proceeded to the election of Door-keeper.

*Those who voted for W. M. Patterson were,*

Messrs. Alexander, Allen, Athon, Berry, Brugh, Cravens, Craw-

ford, Davis, Dawson, Delavan, Dougherty, Dunn, Emerson, Goodman, Hanna, Hatfield, Henton, Hester, Hickman, Hicks, Holloway, Hunt, James, Kendall, Kinnard, Knowlton, Logan, Longshore, Marshall, McCarty, Mickle, Miller, Milliken, Reid, Saffer, Secrest, Slack, Sleeth, Spann, Teegarden, Turman, Walker, Washburn, Winsteadley, Witherow, and Woods—46.

Mr. Patterson, having received all the votes given, was thereupon declared duly elected Door-keeper, to serve as such during the present session.

Whereupon Mr. Patterson came forward, took the oath of office, and entered upon the discharge of his duties.

Mr. Reid offered the following resolution, which was adopted:

*Resolved*, That the Secretary of the Senate inform the House of Representatives that the Senate have convened and elected John P. Dunn, Principal Secretary, James H. Vawter, Assistant Secretary, and William M. Patterson, Door-keeper, and are ready to proceed to legislative business.

On motion of Mr. Emerson,  
Senate adjourned.

2 o'clock.

The Senate met.

Mr. Mickle offered the following resolution :

*Resolved*, That a committee of two be appointed on the part of the Senate, to act with a similar committee on the part of the House, to wait on his Excellency, the Governor, and ascertain at what time it will suit his convenience to make his annual communication to the General Assembly ;

Which was adopted.

Messrs. Mickle and Dunn were appointed as said committee.

Mr. Cravens offered the following resolution :

*Resolved*, That the rules of last session be adopted for the government of the Senate during the present session, so far as the same are not repugnant to the Constitution of the State of Indiana ;

Which was adopted.

The following message was received from the House, by Mr. Sites, their principal clerk :

MR. PRESIDENT :

I am directed by the House to inform the Senate that the House has passed the following resolution :

*Resolved*, That the clerk of this House inform the Senate that the House of Representatives have convened, formed a quorum, elected John W. Davis speaker, George L. Sites, principal clerk, Andrew J. Boone assistant, George W. Patterson doorkeeper, and Washington Holloway sergeant-at-arms, and are now ready to proceed to business.

Also, the following message was received from the House by Mr. Sites, their principal clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following resolution, in which the concurrence of the Senate is respectfully requested :

*Resolved*, That a committee of two on the part of the House of Representatives be appointed to act with a similar committee of the Senate, to wait on the Rev. Wm. Wilson and respectfully request him to attend in the Hall of the House to-morrow morning at half past 9 o'clock for the purpose of addressing the Throne of Grace by prayer on behalf of this General Assembly.

Messrs. Smith of Marion, and Gookins were appointed said committee on the part of the House.

Which resolution was reciprocated, and Messrs. Athon and Tee-garden were appointed said committee on the part of the Senate.

Also, the following message was received from the House, by Mr. Sites, their principal clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following resolution, in which the concurrence of the Senate is respectfully requested :

*Resolved*, That a committee of two be appointed by the House to act with a similar committee on behalf of the Senate to wait on

his Excellency the Governor, and learn at what hour it will be convenient for him to make his annual communication to the present General Assembly, and report their proceedings to their respective bodies.

Messrs. Spencer and Bryant were appointed said committee on the part of the House.

Which was reciprocated and Messrs. Mickle and Dunn were appointed on the part of the Senate.

On motion of Mr. Turman,

*Resolved*, That reporters for papers be permitted to occupy seats upon the floor and within the bar of the Senate;

Which was adopted.

Mr. Mickle offered the following resolution:

*Resolved*, That a committee of three be appointed to report rules and joint rules for the government of the Senate at its present session.

Mr. Spann moved to amend by striking out three and inserting five;

Which was accepted, and the resolution as amended was adopted; and

Messrs. Mickle, Marshall, Dunn, Reid and Cravens were appointed said committee.

Mr. Dunn moved to proceed to the election of Sergeant-at-Arms;

Which motion did not prevail.

Mr. Dougherty introduced the following bill:

No. 1. A bill to allow Joseph A. Messick compensation for preparing and fitting up the Senate Chamber.

Which was read a first time and passed to a second reading.

Mr. Athon offered the following resolution:

*Resolved*, That the Principal and Assistant Secretaries be required to employ a competent number of Assistants;

Which was adopted.

Mr. Cravens offered the following resolution:

*Resolved*, That the Door-keeper furnish each of the Senators a copy of the Constitution of the State of Indiana.

Mr. Holloway moved to amend by ordering the printing of five thousand copies.

Mr. Emerson moved to lay the resolution and pending amendment upon the table.

Which motion did not prevail.

Mr. Hanna moved that the amendment be laid upon the table.

Which motion prevailed.

Whereupon the resolution was adopted.

Hon. W. E. Niblack Senator from the counties of Knox, Davies and Martin appeared, was sworn and took his seat.

Mr. Winstandley offered the following resolution :

*Resolved*, That the Door-keeper furnish each member of the Senate with a copy of the Journal of the Senate and House of Representatives of the last session of the Legislature.

Which was adopted.

Mr. Delavan introduced the following bill :

No. 2. A bill to enable the Sheriff of Morgan county to file his bond.

Read a first time and passed to a second reading.

On motion of Mr. Milliken,

The Senate adjourned.

## TUESDAY MORNING, Dec. 2, 1851.

The Senate met.

The journal of yesterday was read.

Hon. Norman Eddy, Senator from the counties of Fulton, Marshall and St. Joseph, appeared, was sworn, and took his seat.

The President laid before the Senate the annual report of the Branch Bank at Evansville;

Which was laid upon the table.

Mr. Teegarden, from the joint committee to invite Rev. Wm. Wilson to attend and open the General Assembly by prayer, submitted the following report:

**MR. PRESIDENT:**

The committee appointed by the Senate to act in conjunction with a similar committee of the House to wait on the Rev. Wm. Wilson, a minister of the Gospel, and request him to attend in the Hall of the House of Representatives this morning at half past 9

o'clock, for the purpose of opening the present session of the General Assembly with prayer, have performed that duty, and receive for answer, that he will attend at half past 9 o'clock A. M., to-day, for the purpose as requested by your committee.

Mr. Mickle, from the committee appointed to wait upon his Excellency the Governor, submitted the following report:

MR. PRESIDENT:

The committee on the part of the Senate appointed to wait on his Excellency the Governor, and ascertain at what time it would suit his convenience to deliver his annual communication to the General Assembly, have, in conjunction with a similar committee appointed on the part of the House, performed that duty, and received for answer, that he will perform that duty this morning in the Hall of the House of Representatives, immediately after prayer by the Rev. Mr. Wilson.

On motion of Mr. Turman,

*Resolved*, That the door-keeper be instructed to procure one copy of each of the following newspapers for the use of the President and each member and Secretary of the Senate, to-wit: Daily State Sentinel, Daily State Journal, Indiana Statesman, Locomotive, and Indiana Volksblatt.

The question being upon the passage of the resolution,  
The ayes and nays having been demanded by two members,  
Messrs. Emerson and Secrest;

*Those who voted in the affirmative were,*

Messrs. Alexander, Allen, Athon, Brugh, Crawford, Dawson, Dunn, Eddy, Hatfield, Henton, Hester, Hickman, Knowlton, Logan, Longshore, McCarty, Milliken, Reid, Sleeth, Spann, Teegarden, Turman, Walker, Washburn and Witherow—25.

*Those who voted in the negative were,*

Messrs. Berry, Cravens, Davis, Dougherty, Emerson, Hanna, Hicks, Hunt, James, Kendall, Kimbard, Marshall, Mickle, Miller, Niblack, Secrest, Slack, Winstandle and Woods—21.

So said resolution was adopted.

## BILLS OF THE SENATE UPON THEIR SECOND READING.

No. 1. A bill to allow Joseph A. Messick compensation for preparing and fitting up the Senate Chamber;

Was read a second time and ordered to be engrossed for a third reading.

No. 2. A bill to authorize the sheriff of Morgan county to file his bond;

Was read a second time and ordered to be engrossed for a third reading.

Mr. Hanna moved to reconsider the vote upon the engrossment of the bill.

Which motion prevailed.

On motion by Mr. Reid,

The bill was laid upon the table.

The following message was received from the House, by Mr. Sites, their clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following resolution:

*Resolved*, That the Senate be invited to attend in the Hall of the House instantler, for the purpose of opening the session of the General Assembly by prayer, and that seats be provided for them on the right of the Speaker's Chair.

Which was reciprocated.

The Senate, preceded by the President, repaired to the Hall of the House, where the Throne of Grace was addressed by the Rev. William Wilson.

After which the Governor made the following communication:

*Gentlemen of the Senate and House of Representatives:*

You have again assembled for the discharge of the most responsible duties pertaining to civil government; for, while to other departments is committed the charge of administering and executing the laws, yours is the duty of constructing—of enacting them.

We have cause for mutual congratulation in the favorable circumstances with which we are surrounded. Health is restored to our borders, and the Author of all good has crowned the labors of our people with abundance. Industry and enterprise in every depart-

ment have received their just reward, and our citizens are advancing with rapid strides in all the elements of moral, political, and intellectual greatness. These considerations, under a proper sense of our dependence on the Almighty Ruler, will, I trust, properly prepare us for the important duties before us.

The present is an interesting era in the history of our State; it is well worthy of a moment's consideration. On the first day of November last, the Constitution, under which you have assembled, went into operation. On that day we passed from under the old, to the new. That Constitution, under which, for more than a third of a century, we had grown from a handful to a million of inhabitants, secured and protected in all the rights of freemen, has passed away, and a new instrument taken its place. The change is radical in some of the most essential parts of our organic law, but it has been effected without strife, contention or bloodshed, and without affecting, in the slightest degree, the uniform and peaceable pursuits of our people. How different is this from the scenes that distinguish the changes in the old world, not only of law, but even of rulers. With us an hundred and fifty men assemble at the capital, make and proclaim a new organic and elementary law for the future government of a nation of freemen. They adjourn, proclamation is made and published, their labors submitted to and approved by the people. The old passes away, and our people move on as peaceably and quietly, as though no change had happened.

As Indianians we may well challenge a parallel in the unanimity, with which our people adopted the new Constitution—a majority of eighty-six thousand at the ballot-box. It is now your duty to give the new Constitution a steady and energetic support; to carry forward, without delay, all the changes it proposes, that they may be fairly tested. This we owe to the people, to the country, and to ourselves.

The financial condition of the State is, at all times, a subject of the deepest interest, not only to the people themselves, but to their Representatives.

It is to their action that the people must look for the security of their credit, the preservation of their faith, and the exemption from unnecessary burdens.

I am gratified in being able to state that our financial affairs are improving—economy is manifest in all the expenditures; and the time has now arrived when we can commence the work so long looked for by our people—the reduction of the principal of the State Debt of Indiana.

The entire amount of the ordinary expenses of the State, as audited, and paid by the Treasurer, for the year ending the 31st of October, 1851, was \$71,810 36, which is \$11,504 74 less than the amount audited and paid for the year ending October 31st, 1850. This sum, for the ordinary expenses of a million of inhabitants, will



compare most favorably with any State in the Union, it being *per capita*, about seven cents for each individual.

The whole amount of revenue paid into the State treasury, during the past year, ending October 31st, 1851, on all accounts, was \$508,056 24, which exceeds the amount of the previous year, \$58,574 48.

The ordinary expenses of the State government for the ensuing year are estimated at the sum of \$133,500, the increase being principally in anticipation of a protracted session of the Legislature. It is estimated by the Auditor of State that from the revenue of the present year, after liquidating our indebtedness to the Bank, providing for the expenses of the State government, and meeting the January and July dividends on the Public Debt, there will yet be a surplus of about \$100,000. Whatever the surplus may be, I recommend that it be promptly applied to the liquidation of a portion of the principal of the debt, in such manner as you may direct. My own opinion is, that no intricate or complex machinery is necessary, but that your executive officers, with the addition of a Sinking Fund Commissioner, or of the Agent of State, should be charged with this duty. However small the beginning, it should be made at the first possible moment. By the prompt investment of such surplus, and of the School Fund in the manner hereafter suggested, it is believed that from one-third to one-half a million of the Foreign Debt may be withdrawn within the present fiscal year.

The Domestic Debt is so nearly liquidated that I recommend you to direct the Treasurer of State to give notice to the holders of State Scrip, to present the same for payment within a limited period, after which interest on the same shall cease. The Treasurer should also be authorized from time to time to require the County Treasurers to make deposits of such amounts of State revenue as may be in their hands, and for such services, and for those rendered in making advance deposits in 1850, the Auditor and Treasurer of State should be empowered to make a reasonable compensation.

Your attention is called to the very able and practical Report of the Auditor on the finances of the State; also to the valuable suggestions in the Report of the Treasurer.

The wisdom and propriety of the revenue laws of the last session of the Legislature are manifest in the large increase of taxable property returned for the current year. Sufficient returns have been received to warrant the statement that the whole amount of taxable property placed on the duplicate of 1851 will be not less than two hundred and ten millions of dollars—being an increase of seventy-three millions over the previous year, or more than fifty per cent. The greatest increase has been in the personal property, showing that heretofore a large amount of this description of taxables has entirely escaped the knowledge of the assessors. In the item of corporation stock alone, the increase is not less than four millions of dollars.

The increased tax on the personal property returned chargeable to less than four thousand persons in the various counties in the State, is equal to the whole ordinary expenses of the State government for the past year.

There are doubtless defects in the phraseology and practical operations of the revenue acts of the last session, which will from time to time become apparent, and will require remedy at your hands; but the correctness of the principle of assessing every man's property at its actual value, placing men of all conditions and occupations upon the same footing, commends itself to general approbation. A return to the old system is entirely impracticable.

It will be seen on reference to the assessment, that there is still great inequality in the valuation of lands in adjoining counties. Thus, as an instance, in the county of Dearborn the average valuation of land is \$15 81 cents per acre, while in Ohio county it is but \$5 75 per acre. This and other considerations may require a reappraisement at an earlier period than would otherwise be necessary.

The constitution requires you, at this session, to provide by law for the appointment of three commissioners to revise, simplify and abridge the rules, practice, pleadings and forms of the courts of justice. You may also make it the duty of these commissioners to reduce into a systematic code the general statute laws of the State.

I recommend you to make provision for the appointment of these commissioners as soon as possible, and to charge them with a general revision of the laws as well as the practice. These measures of reform are necessarily and intimately connected with each other, inasmuch as a well digested code of laws will greatly facilitate the establishment of a good system of practice. By the appointment of these commissioners at an early day, you will have their aid, as far as you progress at this session, in changing our present system of local legislation.

It is of the utmost importance, however, that the persons to be charged with these duties should be carefully selected, for the benefits anticipated from the great reforms herein provided for by the framers of the Constitution, will depend greatly on the manner in which the duties of the commission are executed. They should be men practically and thoroughly acquainted with the workings of our present system of practice and laws, that knowing its defects they may know where and how to apply the proper remedies. They should be working men, for the task before them will be one of no common magnitude, and it cannot be successfully accomplished without great and persevering labor. They should also be men skillful and prudent, for while the proposed reforms are greatly needed, and many great and important changes may be advantageously made, great care should be taken lest, in sweeping away our existing system of legislation, some of the rights and privileges of our citizens may be injured or left unprotected.

I would also suggest, that while care is taken in the selection of men who will not unnecessarily protract their employment, it should not be expected of them to complete their labors in an imperfect or hasty manner. It is much more important that their work should be satisfactory when done, than that it should be finished a few months sooner or later.

It should also be borne in mind that the great bulk of our existing laws have been passed from time to time, or have been adopted from the common law to suit the real or imaginary wants and necessities of our citizens, and that radical changes, even when calculated to be ultimately beneficial, should not be too suddenly and violently made. All laws to be effectual, must be sustained by public opinion, which is the growth of time, especially in a community like ours, made up from the people of the various States of the Union and from various countries, who have brought with them views and partialities in relation to the municipal laws, formed from the various peculiar systems under which they have been raised. I would, therefore, suggest, that in adopting a new system of laws for their future government, sufficient time should be given before the taking effect of such laws, to enable the people to understand them, and to adapt their conduct and business to them, so that they may be prepared to support and sustain them when put into operation.

That portion of the duties of the commission which is imperatively required by the Constitution, namely, the revision of the practice of the courts, will necessarily occupy their time for a considerable period, and it may be worthy of your consideration, whether the revision of the statute laws may not be advantageously expedited, by authorizing them to receive voluntary contributions towards the revision of any particular branches or chapters of those laws. By this means the best legal attainments of the State, and perhaps out of it, might be enlisted in the work of making a good code, especially if it was understood that credit would be given to the authors of such contributions as should be thought worthy of adoption, together with such compensation as the Legislature adopting them should think proper to bestow. The contributions thus offered might be laid before the Legislature, which would be enabled to compare the works of a variety of different persons, and would not be under the necessity of depending wholly on those of the commissioners.

In pursuance of law, I attended the commencement exercises of the State University at Bloomington, in August last. This Institution, then under the immediate control of the late distinguished President, Rev. Andrew Wylie, and an able corps of Professors, I found admirably conducted, and in a flourishing condition. The wholesome rules are strictly enforced: the system of instruction is of the most permanent and thorough character. It is understood that application will be made to the Legislature, by the Board of Trustees, for new powers, in order to enlarge its capacity for future

usefulness. The high character of the gentlemen composing that Board, and others interested in its management, is a sure guaranty that you will give them a favorable hearing.

Little did I then think, it would be my melancholy duty to record the death of the late President Wylie! This event, which has so suddenly deprived a family of its honored and beloved head; a church, of one of her most talented ministers; our State, of one of its brightest ornaments, and the University of its learned President, took place on the 11th day of November, 1851, at his late residence! Truly, a great and good man has fallen. The question forces itself unbidden upon us, which way shall we turn, to whom shall we look to repair the loss the University has so lately sustained? As an Educator, in the opinion of those who knew him best, the late President stood unrivalled. A residence among us of more than twenty years, most laboriously spent in the cause of education, had secured for him a reputation, to attain which, might be well considered enough to satisfy the aspirations of the most ambitious of men. May his mantle descend upon some one worthy to bear it!

The other Institutions of the State, under the charge of different denominations, are alike prosperous. No State in the Union, of our population and age, has so many flourishing male and female Colleges, Medical and Law Schools, and other Seminaries of Learning. According to the Census of 1850, we have eighty-three in number, and in attendance, five thousand two hundred and ninety pupils.

This is the most favorable view of the question. The same census shows, that we have seventy-five thousand and seventeen, over the age of twenty years, that cannot read and write. This number, believed by many to be more than we really have, has been greatly enlarged, at a distance, in the public journals.

In our zeal to advance the cause of sound learning, we have neglected to throw our energies and means in the right direction. Whilst we have been building up colleges and academies, have we not forgotten and neglected the great schools of learning, Common, District, and Union schools?

There is a diversity of sentiment on this subject,—yet, it seems to me that your duty is a plain one. It is made your solemn duty, by the Constitution adopted with such unanimity, and which you have solemnly sworn to support, “To encourage, by all suitable means, moral, intellectual, scientific, and agricultural improvement; and to provide by law, FOR A GENERAL SYSTEM OF COMMON SCHOOLS, wherein tuition shall be without charge, and equally free to all.”

Your officers of State have taken great pains to ascertain the condition of the School Fund of the State, which can be properly devoted to the support of common schools. Circulars have been issued to the county auditors, who have generously furnished the required information. From these returns, and other information received, the School Fund is believed to be as follows, to-wit :

Estimated value of County Seminaries and Seminary Funds.....	\$100,000 00
Amount of Congressional Township Fund, reported and estimated.....	1,514,853 45
Surplus Revenue fund.....	552,529 92
Bank Tax Fund on loan from State Treasury.....	10,059 85
Bank Tax Fund on hand in State Treasury .....	4 274 61
Bank Tax Fund distributed to Counties.....	42,634 58
Saline Fund on loan.....	22,469 11
Saline Fund on hand.....	1,744 87
Saline Fund distributed to Counties.....	37,056 07
Common School Fund in State Treasury, from Bank Profits, exclusive of interest.....	706,784 62
Sinking Fund on Mortgage to Nov. 4, 1851.....	421,872 28
Estimated value of School Lands unsold.....	250,000 00
Estimated value of 1,225,000 acres of Swamp Lands.....	1,000,000 00
Total.....	\$4,664,279 36

This estimate shows a productive Common School Fund of over four and a half millions of dollars—a fund larger, it is believed, in proportion to our population, than that of any other State in the Union, with a single exception. In addition to this sum, the fund will be constantly augmented by the receipt of fines and forfeitures, and the profits of the Sinking Fund.

It becomes your duty to husband this fund in such a manner, and so diffuse its benefits, as to provide for the education of the youth of every county, township, and district. The fund is for the common benefit of the *children of the State*.

Your Constitution provides, that “the principal of the Common School Fund shall remain a perpetual fund, which may be increased, but never diminished, and the income thereof shall be inviolably appropriated to the support of common schools, and to no other purposes whatever.”

The seeming conflict between the act of the Legislature, of February last, and the new Constitution, on the subject of the appropriation of the proceeds of the Swamp Lands, may be avoided by investing them in the Bonds of the State.

We have had experience, in Indiana, on the subject of loans, on long credits. Debts, bonds, obligations, whether by States or individuals, are weights upon the industry and prosperity of any people. Extended credits to individuals by mortgages on land, are well calculated to depress the energies of the borrower, and, from our own knowledge, in too many instances, are followed by sales, forfeitures, costs and penalties, with the services of a host of officers.

The propriety of investing all the funds now belonging to the School Fund, as far as practicable under existing laws, in the stocks of the State, is worthy of your deliberate consideration.

You will thereby make so much of your debt a domestic debt, the annual income being fixed and reliable.

The more we connect the education of our children with the integrity, honor, and character of the State, the surer we shall be to keep the same inviolate.

This exhibit of the Common School Fund is not only gratifying to every citizen of the State, but it furnishes conclusive evidence of the wisdom of that provision of the Constitution that provides for

the election of a State Superintendent of Public Instruction. Much will depend upon the character of this officer, the compensation you shall provide for him, the duties you shall impose. The first requisite is to have a head to the system, to select a Superintendent who will not only with fidelity discharge the duties devolving upon him, but who will devote his whole time with energy to the work, who will travel, examine, investigate, go into every school district, and make himself acquainted with the true condition of things, and report them to the Legislature as they exist, and who, to a thorough knowledge of his business, will bring a spirit of the utmost devotion to the cause.

The organization of this department of education, defining its powers and duties, will require your calm deliberation and judgment. No more important duty is required at your hands. The care and protection of the various school funds, their consolidation into a common fund for the benefit of every child in the State, are subjects of no minor interest. But most of all, it is your duty to provide for condensing and simplifying the entire common school law for distribution in every district in the State, divesting it of all useless machinery, and bringing it within the capacity and understanding of the humblest citizen of the school district.

I recommend that you require each county auditor to keep a record, in which shall be entered a list of the fines assessed by the Circuit courts, Justices' courts, forfeited recognizances, &c., against whom, what for, the amount thereof, collected or not, and allow a compensation to the attorney for the State, by a per centum, to insure the collections. This book would be open to the inspection of every citizen of the county, in which could be seen what disposition had been made of every judgment, the amount remitted by your Governor, &c.

During the past summer, I paid a visit to the lower Ohio, and spent a day in examining the large cotton mill at Cannelton, in the county of Perry. This factory contains 10,800 spindles, and 370 looms, and is pronounced what, to my unpracticed eye, it seems to be, a most perfect establishment. The concern, with its appurtenant boarding-houses, offices, shops, &c., has been erected at a cost of near \$400,000, and employs near four hundred hands. It is the first movement made in Indiana, toward manufacturing on a large scale, and deserves the encouragement and good will of the entire State. The town is situated near the upper edge of the great coal field, and by its contiguity to the cotton fields, its cheap fuel, and cheap food, is likely to be a manufacturing point of great future importance. In various parts of the State, the people are turning their attention to manufactures, relying on our natural advantages rather than upon any government aid for success. Most fortunately for Indiana, she contains, within her own borders, all the elements which are needful to stimulate this branch of industry. She has 7000 square miles of territory within the great "Illinois coal field," which is marked one

side by the Ohio, and on another by the Wabash River. Within that area, large beds of iron have been found, equal in quantity and quality to any in the country—the Vermillion and Greene county furnaces being now in full and successful operation. Lately iron ore of a fine quality and in great abundance has been found in the county of Perry, near Leopold. In other portions, there are indications that lead and other minerals exist. I refer to these things to show that at no distant day, that part of the State which lies within the coal region, will constitute our great manufacturing district, and that it is the duty of the Legislature to aid in developing its capacities.

I know of no other mode so effectual of rendering this aid, as to provide for a thorough geological and topographical survey of the State. So far from changing the views I expressed on this subject in my last annual message, I am more and more satisfied that no measure within your constitutional power to adopt, could contribute so much to the advancement of the State, in population and wealth,—we want more capital—we want manufacturing skill and labor—we can only invite these among us by exploring and laying bare our manufacturing resources. This can be done only by the hand of science. It will not do to make investments upon mere conjecture: we must have full and reliable information of the nature and extent of our mines, before we can expect foreign capital to open them. A full, thorough survey of the State will exhibit, at a glance, the character of our soils, our coal, our iron, salt, timber, marble, stone quarries, water power, &c., &c., and the people of the State are everywhere alike interested in the measure. The more manufacturing capital there is introduced, the lighter will be the burthens of each individual, the more the taxable wealth of the State. It will lead to a division of labor, so indispensable to the agricultural, and so important to all interests. In our expansive territory, now reaching from ocean to ocean, the States will be thrown more and more upon their individual resources; State legislation will rise in dignity, and the ambition of the wise and good man will be not so much to participate in our national affairs, as to aid in aggrandizing his State. Our geographical position is now commanding, and such it must ever be. Whatever betides the country, we cannot change our commercial and social attitude in this Republic, as a central State, over whose territory the car of commerce must, in all future time, pass. No Indianian can be insensible to our future policy and glory as a State. To attain our true position, however, we must lay open our mines, and clear away the rubbish which hides our wealth from the keen and eager eye of enterprise.

I recommend that you take prompt steps for the commencement of a thorough geological and topographical survey of the State, and that you likewise connect with the present duties of the Auditor or Secretary of State, a Bureau of Statistics.

In connection with these subjects, you are invited to the propriety of calling the attention of our Senators and Representatives in Con-

gress to the bill introduced by a distinguished Senator of Illinois. This bill proposes to give to each of the States in which are government lands, a township of land for each land office district, to be appropriated, under the State authorities, for the purpose of making a full geological and topographical survey of the State. The General Government has about two millions of acres of land in our State. This would give us about one hundred and forty thousand acres. It would be sound policy on the part of the government to make the donation.

The act of last session, entitled "an act for the encouragement of agriculture," approved February 14th, has had a most healthy influence. About thirty county agricultural societies have been organized. Meetings, addresses, and fairs have been held in several of those counties. The proper spirit is aroused among our people. The farmers and mechanics of the country want the benefit of each others' experience and knowledge. The trials, tests, and experiments that are elicited by county and State agricultural fairs, are well calculated to bring forth all these. The State Board will be able to lay before you, during the session, a very interesting report. By publishing a sufficient number of these reports, you may aid the county societies to enlarge their list of premiums, by making a copy of the report of the State Board a part of the premiums awarded; and a number will be desirable to exchange with other States, that we may be able to have copies of the reports of our sister States in exchange therefor, to give as premiums at the contemplated State fair. In this way we may be able to communicate the knowledge of each State and county fair over every county in the State.

I recommend that you make a liberal annual appropriation to the State Board of Agriculture.

The 13th article of the Constitution, prohibiting negroes and mulattoes from coming into or settling within the State, was adopted by ninety-one thousand nine hundred and fifty-five majority of our people, at the ballot-box. It is your positive duty to pass efficient and prompt laws to carry out this provision of the Constitution. This measure, adopted with such unanimity, was called for, independent of other considerations, by the policy pursued by some of our sister States.

In connection with this question, you are again earnestly invited to the subject of colonizing the blacks now among us. It is very desirable that the subject of colonization should receive the attention and encouragement of the General and State governments—that they will co-operate with the aid of the good and benevolent of the country, and with their united efforts in this great work, effect a gradual but final separation of the two races, restore the black man to the land of his fathers, benefit his condition, and remove from us this great source of evil.

The cause of colonization is advancing, and it is incumbent upon



Indiana to extend to it her influence and contributions, however limited the means at her disposal.

You are invited to the many valuable suggestions contained in the reports of the Trustees and Superintendents of our benevolent Institutions.

In addition to the views submitted in my last communication on the subject of these Institutions, to which you are referred, I suggest the propriety of placing the appropriations made to sustain them, under the head of *the ordinary expenses of the State*, estimates to be made annually, and the appropriations made direct by you to each of the three Institutions. By so doing, you will relieve the county and State officers from much labor in calculating the fractional levies heretofore made. But above all this, the appropriations will be direct upon estimates examined by the representatives of the people, exhibiting every dollar appropriated, and for what purpose. While the people are ready, with liberal hand, to sustain these Institutions, justly regarding them as the pride and honor of the State, they still demand that all expenditures should be made with economy, and the accounting officers be held to a strict accountability. A departure from this principle will most assuredly lead to extravagance.

The State will become vested, in January, 1853, with an interest in the Madison and Indianapolis Railroad, the value of which will be contingent upon the future earnings of the work. A proposition was made at the last session of the General Assembly, by the company to purchase the interest of the State. It may be renewed at the present session. The experience of other States has demonstrated that all connexion between the State and corporations, in the construction and maintenance of public works, is unprofitable, and invariably results disastrously to the State.

The railroad interest is becoming a large and vastly extended one within our borders. The retaining of an interest by the State in any one work, is calculated to excite jealousy on the part of other companies, if indeed it does not actually induce in legislators and other public authorities, a species of favoritism that should not exist.

The letter of the new Constitution positively debars the State from forming such connexions hereafter; and its spirit equally requires, in my judgment, that, where they now exist, these partnerships should be dissolved, whenever this can be done consistently with the terms of the contract, and the interest of the parties.

The stock of this road has heretofore been a very profitable one, and may continue so.

It may be mentioned in this connexion, that during the past year, it is said the company has made all the permanent improvements, by the issue of bonds, consequently an imposition of a large debt upon the road, affecting the interest of the State equally with that of the stockholders. The State has no power to prevent this, has no effective control in the management of the road, in the payment of salaries to officers, &c.

Without entering into details, but denying the right claimed by the company, to purchase the road by sections, thereby diminishing the rights of the State for a comparatively small amount, I recommend a sale of the interest of the State upon such terms as the Legislature shall consider just, fair and equitable. The sooner the State is entirely free from all public works, the better it will be for all parties.

The Wabash and Erie Canal, under the management of the Trustees, has progressed steadily and satisfactorily towards its final completion. It has been navigable during the season just passed as far south as the crossing of the west fork of White River, in Greene county, 281 miles from the State line, and 365 miles from Toledo.

Early in the ensuing season it is expected that 27 miles will be added to this navigation, extending it to Maysville, in Daviess county. From that point to Evansville, 71 miles, which is much the most expensive portion of the work, the labor of constructing the canal is nearly two-thirds performed, and the balance is to be accomplished by the first of November next, according to the terms of the contracts. The opening of the canal from the Ohio river into the heart of the White River country, a district enjoying heretofore no better navigation than that afforded by these rivers, will give an impulse to the agricultural and manufacturing interests of that section of the State highly favorable to its future advancement and wealth. The increasing sales of the canal lands in the Vincennes District, afford evidence that the advantages of this great work are beginning to be appreciated.

The tolls received during the year ending November 1st, amount to \$179,282 76, exceeding the receipts of last year by the sum of \$22,124 38.

Major John S. Simonson has furnished the State a full and perfect roll of the names of the men who enlisted in Indiana, belonging to the Regiment of Mounted Riflemen, and served in 1846, numbering 260; also the rank of each, where born, when enlisted, under whom, period of service, remarks, &c. He is entitled to your thanks. I recommend that an appropriation be made sufficient to cover the expense of obtaining a large Record book, in which should be recorded the names of all who were engaged in the war with Mexico, from Indiana, their ages, rank, birth, enlistment, period of service, &c. This record to be deposited in the State Library.

Since the adoption of the new Constitution, various complicated questions arising under it, have been presented to the officers of State for their consideration. These questions relate mainly to the right of certain persons elected previously to the adoption of the constitution, to hold two offices, to the question whether certain offices are continued over, or abolished, to the approval of official bonds taken from those appointed to office to fill vacancies. Upon these and similar points, your officers have not failed to give their opinion; yet some of the questions presented are not free from

doubt. These require your consideration, and appropriate and definite legislative enactments.

The field-notes, maps, and all other papers pertaining to the survey of the entire lands in this State, have been received from the general government; but in a condition not to be useful, except a key or index be prepared for that purpose. I recommend that an appropriation be made for the purpose of having such key or index provided, to the original field-notes of every *section line, private land claim, Indian grant, and Township Maps, &c., &c.*, in the whole State.

The power to appoint Notaries Public, is now given by law to the Executive. The propriety of requiring the certificate of the Circuit Judge of the Circuit, as to the qualifications of the applicant, the necessity and propriety of the appointment, is worthy of your consideration. This rule is adopted in many of the States.

The highest number in the State Prison the past year, was one hundred and ninety-two. The number pardoned, sixteen. For further details your attention is invited to the able and interesting Reports of the Visitor and Warden of the Prison.

Time has confirmed me in the correctness of the views expressed at the last session, on the subject of giving discretionary power to the courts in the punishment of convicts for Larcenies. Of the one hundred and ninety-two convicts in the State Prison, one hundred and fifteen of them have been convicted for Larceny. You are respectfully referred to my former Message as to the propriety of changing the criminal law in these cases, as well as to the policy of establishing Houses of Refuge and Work Shops in counties or districts, for the punishment and reformation of juvenile offenders. This duty is now positively enjoined upon you by the Constitution.

The Constitution makes it your duty to prescribe regulations and rules for the exercise of the pardoning power. I recommend you to require notice in all applications, and in those made for the remission of fines and forfeitures, the opinion of the county officers, at least those who represent the school fund of the county.

Your attention is invited to the subject of the interest the State has in the Three Per Cent. Fund, arising from the sales of the public lands within the State. For several years the State has received nothing from this source;—a large amount has accumulated in the National Treasury. The General Government being the holder of certain of our State bonds, as trustees for certain Indian tribes, has claimed the right to appropriate our three per cent. fund towards the interest on these bonds, thereby withholding the same from us. The propriety of this course may well be doubted. It has also been suggested that errors have occurred in the estimates of the fund from time to time, which it would be to the interest of the State to have closely examined. Two years ago a Joint Resolution of the General Assembly was passed, authorizing our Senators to attend to this matter and report their action to the next Legislature. Our Senators, at the commencement of the last session, reported that nothing

could be effected without the action of Congress upon this subject. Since that time, no further progress has been made towards any arrangement so far as the officers of State are advised.

I suggest the propriety of passing a joint resolution, making it the duty of some one of the Executive officers to make a full investigation of this fund, at the treasury—procure, if possible, the amount due us, and, if it is thought advisable, to enter into negotiations with the Government, in reference to the bonds they hold against us. Your early attention to this subject may enable me to lay the result of this investigation before you at your present session, that thereby you may take some definite action thereon.

It is your duty to lay off the State into eleven Congressional Districts, also not less than three, nor more than five Supreme Judicial Districts, and also such number of Circuit Judicial Districts as you may deem expedient, in such manner as shall be just and right towards the citizens of every part of the State.

The State should provide suitable buildings for all her officers, as near together as possible. The Capitol building should be alone used for the Representatives of the people, and the State Library. The Governor's and Treasurer's houses, with other property owned by the State, might be sold. The proceeds of this property, with the aid that the General Government will doubtless furnish, will be sufficient to erect a good substantial building on the Governor's Circle, that would accommodate all the officers of the National and State Governments, without any tax upon the treasury. It would be sound policy to adopt this course.

I would direct your attention to the propriety of establishing the office of Attorney General. For the want of such an officer it has been frequently found necessary to employ counsel for the State at great expense. The sums paid for such services, added to the losses which have been sustained by the want of legal skill in cases where the State has been a party to legal proceedings, must have, within the last fifteen years, exceeded the highest sum paid for the compensation of an Attorney General in many of the other States. If there was heretofore a necessity for such an officer, there will be hereafter a still greater one, as, under an entire new system of legislation, it must be expected that new questions of law will constantly arise. Such an officer would be of great assistance to the various executive officers and his appointment would be justified on the ground of economy as well as that of necessity.

The nominal sum paid to my immediate predecessor for the Georgia lands, has not been paid into the Treasury. Suit is now pending for the same.

The patent from the General Government has not been received for the swamp lands. It is daily expected. Your attention will be called to this subject by special communication during the session.

The report of the Agent of State furnishes a correct statement of

our public debt, and the operations of his agency, to which your attention is invited.

Senators and Representatives, assembled as you are, and constituting the first organization of the law-making power under the new Constitution, your responsibilities are great, and your duties arduous and difficult. There is much for you to do. It is impossible for me, in this communication, to call your attention to the various subjects that require your deliberate consideration and action. If you shall be able to make our Common School Fund secure and permanent, and to establish a system of public instruction adapted to the wants of our people; a system which shall annually and equitably dispense its benefits to every child in Indiana, and which shall be designed to open a union and free school in every two-mile-square district in the State; in which schools, children of every rank and condition, rich and poor, shall meet upon common ground, and shall be taught by the same class of books, and by competent instructors: And if, in addition to this, you shall also be able to devise and establish a Sinking Fund System that shall annually reduce the public debt, and thereby gradually lessen, and finally extinguish that burden; when you shall have accomplished these objects, you may with joy return to your constituents, bearing with you your own approbation, and that of all good men. And be assured, gentlemen, that it will give me great pleasure to co-operate, zealously, with you in promoting these, and all other measures that are calculated to advance the peace, prosperity, and happiness of our common constituents, and of our common country.

Throughout the past year, peace and harmony between the various sections of the Union, have been gradually and firmly established. The great disturbing questions which for a time threatened results, the ultimate issue of which no man could foresee, have been put to rest, and with it the heart-burnings and sectional recriminations which it brought in its train. Our present tranquility is the best evidence of the wisdom and prudence of the measures of adjustment adopted by the last Congress.

The high conservative ground maintained by our State, is shown in the fact that we support no man who favors agitation. Our people want peace, and they esteem no sacrifice, short of that of principle, too great to secure it.

Indiana holds him an enemy to the well being of this Republic, who pursues any course tending to widen the breach between the North and the South. Minor questions sink into insignificance compared to the great paramount duty of every American citizen, the preservation of the integrity of the Union.

Each and all of the laws constituting that compromise which has been as oil cast upon the troubled waters, are assented to, and have been carried out, so far as they apply to us, in word and letter, according to the strictest judicial construction, by the citizens of our State. This has been done cordially and with as near an approach

to hearty unanimity, as any measure enacted to reconcile similar sectional differences, can ever be expected to receive.

Indiana desires to see the compromises made under the Constitution, and expressly framed to carry into effect its provisions, remain undisturbed. She says to the south as well as to the north, that these measures must stand—that this sectional controversy must not again be opened up—that time as an element which enters into every thing that is valuable, must test their wisdom and efficacy—that from whatever quarter of the Union efforts shall be made to revive this sectional agitation, Indiana is against it.

She favors not, nor will she by her votes countenance those who favor, the opening afresh, in any manner, under any pretence, the questions so recently and so happily disposed of, let us hope forever. Our duty is plain, *abide by the past, sustain the measures faithfully, cease agitation and trust for the future to the intelligence and patriotism of the people, under the guidance of Providence.*

JOSEPH A. WRIGHT.

December 2d, 1851.

After which the Senate returned to their chamber.

Hon. Joseph H. Defrees, Senator from the counties of Elkhart and Lagrange, appeared, was sworn, and took his seat.

The President laid before the Senate the report of the superintendent of common schools;

Which was laid upon the table.

The President laid before the Senate the report of the Treasurer of State;

Which,

On motion of Mr. Sleeth,

Was laid upon the table and 500 copies ordered to be printed.

On motion of Mr. Turman,

*Resolved*, That 5000 copies of the Governor's Message be printed for the use of the Senate.

Which was adopted.

Mr. Milliken moved to reconsider the vote upon the adoption;

Which motion prevailed.

Mr. Milliken moved to amend by striking out five thousand and inserting two thousand.

Mr. Milliken moved to lay the resolution and pending amendment upon the table;

Which motion prevailed.

Mr. Dawson offered the following resolution:

*Resolved*, That a committee of five be appointed to enquire and

report what standing committees are necessary under the present constitution.

Which was adopted.

The President then announced Messrs. Dawson, McCarty, Berry, Secrest and Holloway, as said committee.

On motion of Mr. Teegarden,

The Senate adjourned.

2 o'clock, P. M.

Senate met.

Mr. Turman offered the following resolution:

*Resolved*, That the doorkeeper be instructed to make such arrangements with the postmaster of this city as are necessary to secure the forwarding per mail of all public documents and newspapers sent to his office by members of the Senate.

Which was adopted.

Mr. Milliken offered the following resolution:

*Resolved*, That the doorkeeper of the Senate be authorized and requested to contract with the publishers of the Statesman, Locomotive, Daily Sentinel and Daily Journal for two copies of their respective papers, (to be enveloped and delivered to the Senate) for the use of the Senate.

Mr. Dunn moved to amend by striking out two and inserting three copies;

Which motion prevailed.

Whereupon,

The resolution as amended was adopted.

The President laid before the Senate the report of the trustees and superintendent of the Deaf and Dumb Asylum;

Which,

On motion of Mr. Athon,

Was laid upon the table and 500 copies ordered to be printed.

The President laid before the Senate the report of the State Librarian;

Which,

On motion of Mr. Sleeth,

Was laid upon the table, and 250 copies ordered to be printed.

Mr. Milliken moved to take from the table the resolution relative to the printing of the Governor's Message.

Mr. Milliken moved to lay the resolution upon the table;  
Which motion did not prevail.

Mr. Reid offered the following amendment to the amendment:

*Resolved*, That two thousand copies of the Governor's message be printed in English and five hundred in the German language: also Washington's farewell address in English and German.

Which was adopted.

Whereupon,

The resolution as amended was adopted.

Mr. Sleeth offered the following resolution:

*Resolved*, That the Senate will, (the House concurring therein) go into the election of State Agent to-morrow at 2 o'clock P. M.

Which was adopted.

Mr. Eddy moved to reconsider the vote upon the adoption of said resolution;

Which motion did not prevail.

The following message was received from the House by Mr. Sites, their clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following resolution:

*Resolved*, (The Senate concurring,) that the two Houses meet in joint convention Thursday next, at three o'clock, and proceed to an election of Agent of State;

In which the concurrence of the Senate is respectfully requested.

Which,

On motion of Mr. Winstandley,  
Was laid upon the table.

Mr. Emerson offered the following resolution:

*Resolved*, That the doorkeeper of the Senate be instructed to procure from the State Library, for the use of the Senate, one copy of the Revised Statutes of 1843, and one copy of the General and



Local Laws of the last General Assembly for each member, and return the same at the close of the session.

Which was adopted.

Mr. Berry moved to adjourn;

Which motion did not prevail.

Mr. Emerson offered the following resolution:

*Resolved*, That a committee of three be appointed to inquire into the expense incurred in procuring the enrollment of the acts of the last General Assembly, and that they report the result of their investigations to the Senate.

Which was adopted.

On motion of Mr. Knowlton,

The Senate adjourned.

WEDNESDAY MORNING, Dec. 3, 1851.

The Senate met.

The journal of yesterday was read.

#### SENATE BILLS UPON THEIR THIRD READING.

No. 3. A bill to allow Joseph A. Messick compensation for preparing and fitting up the Senate chamber was read a third time;

When

Mr. Dunn moved to lay the bill upon the table;

Which motion was lost.

The question being upon the passage of the bill, the ayes and noes were taken under the rule.

*Those who voted in the affirmative were,*

Messrs. Alexander, Allen, Berry, Brugh, Cravens, Crawford, Davis, Dawson, Defrees, Delavan, Dougherty, Hatfield, Henton, Hester, Hicks, Hunt, James, Kinnard, Knowlton, Longshore, McCarty, Milliken, Niblack, Reid, Slack, Sleeth, Spann, and Witherow—28.

*Those who voted in the negative were,*

Messrs. Athon, Dunn, Eddy, Emerson, Goodman, Hickman, Holloway, Kendall, Marshall, Mickle, Saffer, Secrest, Teegarden, and Walker—14.

So said bill passed.

Mr. Dawson, from the committee to ascertain the number of committees necessary under the new constitution, made the following report :

MR. PRESIDENT :

The committee to whom was referred a resolution of the Senate, directing an inquiry into the number of standing committees necessary to the legislation of this session, would respectfully report, that they have had that subject under consideration, and recommend the appointment of the following committees, viz :

- 1st. On Elections.
- 2d. On Finance.
- 3d. On the Judiciary.
- 4th. On Education.
- 5th. On Corporations.
- 6th. On Roads.
- 7th. On Benevolent Institutions of the State.
- 8th. On Agriculture.
- 9th. On Banks.
- 10th. On Manufactures.
- 11th. On Printing.
- 12th. On Public Buildings.
- 13th. On the State Prison.
- 14th. On Canals and Internal Improvements.
- 15th. On the State Library.
- 16th. On the Town of Indianapolis.
- 17th. On Claims.
- 18th. On Military Affairs.
- 19th. On Phraseology and Arrangement of Bills.
- 20th. On Unfinished Business.
- 21st. On Organization of Courts.
- 22d. On Enrolled Bills.

And respectfully ask to be discharged from the further consideration of the subject.

Which report was concurred in.

The President laid before the Senate the Report of the Agent of State.

Mr. Saffer moved to lay the report upon the table and order the printing of 1000 copies.

Mr. Reid moved to amend by striking out 1000 copies;

Which motion prevailed.

Whereupon, the motion as amended prevailed.

Mr. Mickle moved that 500 copies thereof be printed;

Which motion was decided in the affirmative.

The President announced the following as the Order of Business to be observed by the Senate during the present session, unless changed by the Senate :

- I. Reading of the Journal.
- II. Petitions, Memorials, and Remonstrances.
- III. Reports from Standing Committees, as follows, to-wit:
  - 1st. On Elections.
  - 2d. On Finance.
  - 3d. On the Judiciary.
  - 4th. On Education.
  - 5th. On Corporations.
  - 6th. On Roads.
  - 7th. On Benevolent Institutions of the State.
  - 8th. On Agriculture.
  - 9th. On Banks.
  - 10th. On Manufactures.
  - 11th. On Printing.
  - 12th. On Public Buildings.
  - 13th. On the State Prison.
  - 14th. On Canals and Internal Improvements.
  - 15th. On the State Library.
  - 16th. On the Town of Indianapolis.
  - 17th. On Claims.
  - 18th. On Military Affairs.
  - 19th. On Phraseology and Arrangement of Bills.
  - 20th. On Unfinished Business.
  - 21st. On Organization of Courts.
  - 22d. On Enrolled Bills.
  - 23d. On Federal Relations.
- IV. Reports from Select Committees.
- V. Resolutions of the Senate.

## VI. Joint Resolutions.

## VII. Bills.

## VIII. Orders of the Day.

Mr. Milliken moved that 100 copies be printed ;  
Which,

On motion,

Was decided in the affirmative.

The President appointed the following committee to ascertain the expense of the enrollment of the acts of the last General Assembly :

Messrs. Emerson, James, and Knowlton.

The following message was received from the House by Mr. Sites, their Clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House reciprocates the resolution of the Senate, to go into the election of State Agent to-day, at 2 o'clock, P. M.

Mr. Dougherty moved that the Senate adjourn,  
Which motion did not prevail.

On motion of Mr. Emerson,

*Resolved*, That in addition to the standing committees authorized by the rules of the Senate, there shall be appointed a standing committee on Federal Relations.

The question being upon the passage thereof,

The ayes and nays having been demanded by two members, Messrs. Athon and Secrest,

*Those who voted in the affirmative were,*

Messrs. Alexander, Allen, Brugh, Cravens, Crawford, Delavan, Dougherty, Dunn, Eddy, Emerson, Goodman, Hanna, Henton, Hester, Hickman, Hunt, James, Kinnard, Knowlton, Longshore, Mickle, Miller, Niblack, Saffer, Sleeth, Spann, Turman, Walker, Washburn, Winstandley, and Woods—31.

*Those who voted in the negative were,*

Messrs. Athon, Berry, Dawson, Defrees, Holloway, Logan, Mar-

shall, McCarty, Milliken, Reid, Secrest, Slack, Teegarden, and Witherow—14.

So said resolution was adopted.

On motion of Mr. Mickle,  
The Senate adjourned.

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2 o'clock, P. M.

Senate met.

The following message was received from the House of Representatives, by Mr. Sites, their Clerk :

Mr. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House have adopted the following resolution :

*Resolved*, That the Senate be invited to attend in the Hall of the House of Representatives *instantly*, to proceed to the election of an Agent of State, and that seats be provided for them on the right of the Speaker's chair.

Which resolution was reciprocated by the Senate.

When the Senate repaired in a body to the Hall of the House of Representatives, preceded by their President, to proceed to the election of Agent of State, to fill the vacancy which will occur by expiration of the term of service of the present incumbent.

*Those who voted for Allen May, on the part of the Senate, were,*

Messrs. Alexander, Allen, Athon, Berry, Brugh, Cravens, Crawford, Davis, Dawson, Delavan, Dougherty, Eddy, Emerson, Goodman, Hanna, Hatfield, Henton, Hester, Hickman, Hicks, Holloway, Hunt, James, Kendall, Kinnard, Knowlton, Logan, Longshore, Marshall, McCarty, Mickle, Miller, Milliken, Niblack, Reid, Saffer, Secrest, Slack, Sleeth, Spann, Teegarden, Turman, Walker, Washburn, Winstandley, Witherow, and Wood.

*And those on the part of the House, were,*

Messrs. Barker, Beach, Beane, Beeson, Brady, Bulla, Buskirk,

Chowning, Cockrum, Cowgill, Crawford, Dice, Dobson, Donaldson, Donham, Doughty, Douthit, Eccles, English, Foster, Gibson, Glazebrook, Hanna, Hart, Hay of Clark, Hays of White, Henry, Holliday of Blackford, Holman, Hostetter, Huey, Huffsetter, Humphreys, Hunt, Kent, King, Laverty, Lawrence, Leveston, Lewis, Lindsey of Fayette, Lindsey of Howard, Major, Manson, Marrs, Mayfield, McCallister, McConnell, McDonald, McDowell, Miller, Morris, Mudget, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Shanklin, Smith of Marion, Smith of Spencer, Spencer, Staton, Stevens, Stover, Struble, Stuart, Sweet, Taggart, Torbet, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—124.

Mr. Dunn of the Senate voted for George W. Carr.

*Those who voted for Mr. Carr on the part of the House were:*

Messrs. Crim, Cromwell, Davis, Graham, Gunn, Helmer, Hicks, Holladay of Parke, Hudson, Scudder, Sumner, Thompson, and Walker—13.

Mr. Geddes of the House voted for Mr. Deming.

Messrs. Behm, Goudy, and Suit of the House, voted for W. C. Wilson.

Allen May having received a majority of all the votes given, was by the President of the Convention declared duly elected Agent of State, to serve as such from and after the expiration of his present term of service.

The President of the Convention then declared the same adjourned without day.

The Senate then returned to their chamber.

On motion of Mr. Mickle,

*Resolved*, That a committee of ten be appointed to report Congressional Districts for the State.

Mr. Dunn moved to amend by striking out ten and inserting eleven,

Which amendment was accepted ;

And the resolution, as amended, was adopted.

Mr. Secrest moved to reconsider the motion ordering the printing of 500 copies of the report of the Agent of State ;

Which motion prevailed.

Mr. Secrest moved that the report be laid upon the table ;

Which motion was decided in the affirmative.

Mr. Hicks moved to reconsider the motion ordering the printing of the report of the Trustees of the Deaf and Dumb Asylum;  
Which motion prevailed.

When,

On motion of Mr. Saffer,

The report was laid upon the table.

The President submitted the report of the Auditor of State;

Which,

On motion of Mr. Turman,

Was laid upon the table and 2000 copies ordered to be printed.

Mr. Hanna moved to reconsider the vote upon the adoption of said motion;

Which motion was lost.

On motion of Mr. Teegarden,

The Senate adjourned.

THURSDAY MORNING, Dec. 4th, 1851.

Senate met.

The journal of the preceding day was read.

Mr. Secrest moved to expunge so much of the journal as referred to the reading of the President's Message;

Which motion prevailed.

The President laid before the Senate the Annual Report of the Trustees of the Indiana Hospital for the Insane.

Mr. Holloway presented the petition of Hugh Call, a citizen of Wayne county, asking the passage of a law constituting and adopting Patience Dumaree his sole and only heir.

Mr. Holloway moved to refer the same to a select committee.

Mr. Secrest moved to instruct the committee to inquire as to the constitutionality of such a law.

On motion by Mr. Secrest,

The petition was laid on the table.

Mr. Secrest moved to reconsider the vote on the adoption of the resolution ordering the Door-keeper to make arrangements with the Post Master to procure the forwarding of documents, &c.

The ayes and noes being demanded by Messrs. Secrest and Emerson,

*Those who voted in the affirmative were,*

Messrs. Alexander, Allen, Athon, Berry, Cravens, Crawford, Davis, Dawson, Defrees, Delavan, Dougherty, Dunn, Emerson, Goodman, Hanna, Hatfield, Henton, Hester, Hickman, Hicks, Holloway, Hunt, Kendall, Kinnard, Knowlton, Logan, Longshore, McCarty, Mickle, Miller, Milliken, Reid, Saffer, Secrest, Slack, Sleeth, Spann, Teegarden, Walker, Washburn, Witherow, and Woods—42.

*Those who voted in the negative were,*

Messrs. Brugh, Eddy, James, Marshall, Niblack, and Turman—6.

So the vote was reconsidered ;

When,

On motion by Mr. Niblack,

The resolution was laid on the table.

Mr. Hanna offered the following resolution:

*Resolved*, That a committee of one from each judicial circuit be appointed by the Chair, and that said committee are directed to prepare and report to the Senate a bill laying off the State into five Districts, for the election of five Supreme Judges.

Mr. Berry moved to strike out the word "five," and insert in lieu thereof the word "three."

Mr. Secrest moved to amend the amendment by inserting at the proper place the words "inquire into the expediency of;"

When,

On motion by Mr. Hanna,

The resolution and pending amendments were laid on the table.

The President announced the following Standing Committees of the Senate, during the present session:



## STANDING COMMITTEES.

## ELECTIONS.

Messrs. Logan, Teegarden, Hatfield, Davis, Knowlton, Kinard, Allen, Goodman, Delevan.

## FINANCE.

Messrs. Winstandley, Walker, Dougherty, Hester, Marshall, Cravens, Emerson, Niblack, Reid.

## JUDICIARY.

Messrs. Hanna, Marshall, Slack, Dunn, Reid, Logan, Sleeth, Dawson, Niblack.

## CORPORATIONS.

Messrs. Eddy, Winstandley, Milliken, McCarty, Mickle, Niblack, Sleeth, Defrees, Secrest.

## EDUCATION.

Messrs. Athon, Woods, Mickle, Hicks, Dawson, Secrest, Turman, Winstandly, Milliken.

## ROADS.

Messrs. Woods, Miller, Brugh, Davis, Delevan, Hatfield, Kendall, Henton, Hickman.

## BENEVOLENT INSTITUTIONS OF THE STATE.

Messrs. Sleeth, Woods, Athon, Teegarden, Crawford, Hunt, Hicks, Davis, Witherow.

## AGRICULTURE.

Messrs. Milliken, Holloway, Henton, Odell, Delevan, Kendall, Goodman, Miller, Spann.

## BANKS.

Messrs. Dawson, Marshall, Dunn, Berry, James, Walker, Alexander, Defrees, Wasbourn.

## MANUFACTURES.

Messrs. Niblack, Emerson, Hickman, Mickle, Saffer.

## PRINTING.

Messrs. Holloway, Turman, Berry, Emerson, Hanna, Hester, Defrees, Cravens, Milliken.

## PUBLIC BUILDINGS.

Messrs. Allen, Brugh, Hunt, Odell, Saffer, Washburn, McCarty, Hatfield, Delevan.

## STATE PRISON.

Messrs. Athon, Cravens, Knowlton, Marshall, Goodman, Henton, Hickman, Spann.

## CANALS AND INTERNAL IMPROVEMENTS.

Messrs. Cravens, Spann, Crawford, Davis, Goodman, Knowlton, Miller, Hickman, Holloway, Hunt, Hicks, Hester, Dunn, Witherow, Odell, Kinnard, Kendall, Defrees, Slack, Longshore.

## STATE LIBRARY.

Messrs. Turman, Berry, Saffer, Witherow, Walker.

## TOWN OF INDIANAPOLIS.

Messrs. McCarty, Hatfield, Hunt, Washburn, Henton, Kendall, Longshore, Odell, Dougherty.

## CLAIMS.

Messrs. James, Logan, Crawford, Dunn, Longshore, Witherow, Marshall, Washburn, Miller.

## MILITARY AFFAIRS.

Messrs. Spann, Kinnard, Alexander, Knowlton, Henton, Goodman, Delevan, Brugh, Saffer.

## PHRASEOLOGY AND ARRANGEMENT OF BILLS.

Messrs. Reid, Holloway, Dunn, Defrees, Turman, Eddy, Secrest, Marshall, Emerson.

## ORGANIZATION OF COURTS.

Messrs. Secrest, Dougherty, Hicks, Emerson, Hester, Defrees, Witherow, Slack, Sleeth.

## ENROLLED BILLS.

Messrs. Alexander, Slack, Woods.

## FEDERAL RELATIONS.

Messrs. Berry, Milliken, Mickle, McCarty, Crawford, Winstandley, Secrest, James, Athon.

## JOINT COMMITTEES.

## PUBLIC BUILDINGS.

Messrs. Teegarden, Spann, Alexander, Brugh, Kinnard, Longshore, McCarty.

## CANAL FUND.

Messrs. Walker, Milliken, Teegarden.

## STATE LIBRARY.

Messrs. Emerson, Mickle, Hanna.

## DISTRICTING THE STATE.

Messrs. Mickle, James, Athon, Logan, Holloway, Sleeth, Niblack, Davis, Allen, Eddy, Brugh.

On motion by Mr. Cravens,

It was laid on the table, and one hundred copies thereof were ordered to be printed for the use of the Senate.

Mr. Milliken asked to be excused from serving as Chairman of the Committee on Agriculture, and that Mr. Holloway be appointed in his stead;

Which was agreed to.

The President laid before the Senate a report from each of the following Branch Banks, viz:

Terre Haute, Michigan City, Bedford, South Bend, New Albany, Madison;

Which,

On motion of Mr. Milliken,  
Were referred to the Committee on Banks.  
Mr. Athon offered the following resolution:

*Resolved*, That the Door-keeper be authorized to obtain from the Post Master of this city — No. of stamps for papers, to be distributed every morning equally among the Senators.

Mr. Emerson moved to amend the resolution by adding the following:

“The expenses of which shall be paid by the members of the Senate, and shall not be made a charge upon the Treasury.”

Mr. Cravens moved to lay the resolution and pending amendment on the table;

Which motion prevailed.

On motion of Mr. Reid,

*Resolved*, That the Committee on Printing be instructed to examine carefully all public documents laid before them for the purpose of being printed, and that in reporting to the Senate the documents and number thereof which they recommend to be printed, that the members of the Senate be authorized to forward to their constituents, the number of documents allowed to each member, by mail, at the expense of the Senate; and that the said committee be authorized to arrange and contract with the Post Master as to the pre-payment of said documents.

Mr. Emerson moved to amend by striking out so much of said resolution as authorizes the pre-payment of the postage at the expense of the State Treasury.

Mr. Niblack moved to lay the resolution and pending amendment upon the table;

Which motion did not prevail.

The question being upon the adoption of the amendment,

The ayes and nays having been demanded by two members, Messrs. Emerson and Berry,

*Those who voted in the affirmative were,*

Messrs. Alexander, Berry, Defrees, Dunn, Emerson, Hanna, Hester, Hicks, Holloway, Hunt, Logan, Longshore, Marshall, McCarty, Saffler, Secrest, Slack, Spann, Teegarden, and Winstandley—20.

*Those who voted in the negative were,*

Messrs. Athon, Brugh, Cravens, Crawford, Davis, Dawson, Delavan, Dougherty, Eddy, Goodman, Hatfield, Henton, Hickman, James,

Kendall, Kinnard, Knowlton, Miller, Milliken, Niblack, Reid, Sleeth, Turman, Walker, Washburn, Witherow, and Woods—27.

So the amendment was not agreed to.

Mr. Milliken moved to amend by striking out all after the word "resolved," and inserting, that the Secretary of the Senate be requested to inquire of the Postmaster at this place whether documents can be sent by mail without being pre-paid, and if so what the rate of postage will be.

Mr. Cravens moved to lay the resolution and pending amendment upon the table;

Which motion prevailed.

On motion by Mr. Mickle,

The Senate adjourned.

2 o'clock, P. M.

Senate met.

On motion of Mr. Emerson,

*Resolved*, That the Committee on the Benevolent Institutions of the State be instructed at their earliest convenience to report a bill to amend sections 11, 12, 13, 14, 15 and 16, of an act entitled "An act for the government of the Indiana Hospital for the Insane," approved February 15, 1848, in relation to the admission of Patients into said Hospital.

Which was adopted.

Mr. Mickle moved that the Senate resolve itself into a Committee of the Whole on the Governor's Message.

Mr. Cravens moved to amend by inserting "on to-morrow, at 2 o'clock;

Which was accepted,

And the motion, as amended, prevailed.

On motion of Mr. Eddy,

The Senate adjourned.

FRIDAY MORNING, Dec. 5, 1851.

The Senate met.

The journal of the preceding day was read.

REPORTS OF SELECT COMMITTEES.

Mr. Mickle, from the select committee to report rules for the government of the Senate, made the following report.

MR. PRESIDENT:

The select committee appointed to report rules and joint rules for the government of the Senate at its present session, have according to order had that subject under consideration, and a majority thereof have instructed me to report the following amendments to the rules and joint rules of the last session, and when so amended recommend their adoption for the government of the Senate at its present session:

Amend the 8th rule so as to conform to the resolution of the Senate, on the subject of standing committees.

Amend the 24th rule.—The previous question shall be put in this form: Shall the main question be now put? It shall be admitted when demanded by a majority of all the Senators present, and until it is decided, shall preclude all debate, and the introduction of all further amendments.

The main question shall be the first question in order, and its effect shall be to put an end to all debate and bring the Senate to a direct vote on the questions then pending in their order, and then on the main question.

Amend 33d so as to read as follows, to-wit: The motion to adjourn shall be always in order, except when made immediately after the same question has been decided; and shall be decided without debate.

Amend 36th so that it will conform to the constitution, which is as follows, to-wit: Every bill or joint resolution shall be read by sections on three several days in the Senate, previous to its passage, unless in case of emergency, two-thirds of the Senate, by a vote of ayes and noes, deem it expedient to dispense with this rule. But the reading of a bill or joint resolution by sections, on its final passage shall in no case be dispensed with, and the vote on the passage of every bill or joint resolution, shall be taken by ayes and noes, entered

on the journal; and all bills and joint resolutions shall be dispatched in order as they were entered.

Amend the joint rules of the last session as follows, viz:

Strike out the word *ballot* wherever it occurs in said rules, and insert the word *vote*.

Strike out all of the 13th rule.

Mr. Secrest offered the following amendment:

Strike out the word "present," wherever it occurs in the amendment proposed by the committee to the 24th rule, and insert in lieu thereof the word "elected."

Which was adopted.

Mr. Berry moved to take up each emendment separately.

Which was agreed to.

Mr. Hanna offered the following additional amendment to the report of the committee:

Strike out in the last line of rule 24 as amended, the word "main," wherever it occurs, and insert in lieu thereof the word "original."

Which was adopted.

The question being upon the adoption of the rule as amended,  
The ayes and nays having been demanded by two members,  
Messrs. Secrest and Emerson,

*Those who voted in the affirmative were,*

Messrs. Alexander, Cravens, Davis, Dawson, Defrees, Delavan, Eddy, Hatfield, Henton, Hickman, Hicks, Holloway, Hunt, James, Mickle, Miller, Milliken, Niblack, Reid, Slack, Sleeth, Teegarden, Turman, Walker, and Washburn—25.

*Those who voted in the negative were,*

Messrs. Allen, Athon, Brugh, Berry, Crawford, Dougherty, Dunn, Emerson, Goodman, Hanna, Hester, Kendall, Kinnard, Knowlton, Logan, Marshall, McCarty, Saffier, Spann, Winstandley, and With-  
erow—22.

Mr. Berry moved to strike out from the word "order," in the 2d line, to the word "and," in the fourth line in the amendment proposed to rule 33.

Which motion prevailed.

The rule as amended was then adopted.

The following message was received from the House by Mr. Sites, their Clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following resolution :

*Resolved*, That there be a committee of three appointed to act with a similar committee on the part of the Senate, to revise the joint rules for conducting business in the two Houses of the General Assembly of the State of Indiana, and that the Senate be requested to reciprocate this resolution.

Mr. Berry moved to lay that part of the report relative to joint rules upon the table.

Which motion prevailed.

Mr. Niblack moved to reconsider the vote upon the adoption of the 24th rule as amended.

Which motion was decided in the affirmative.

The question then being upon the adoption of rule 24 as amended, The ayes and noes having been demanded by two members, Messrs. Secrest and Emerson,

*Those who voted in the affirmative were,*

Messrs. Alexander, Cravens, Dawson, Defrees, Delevan, Eddy, Hatfield, Henton, Hester, Hickman, Hicks, Holloway, Hunt, James, Kendall, Knowlton, McCarty, Mickle, Milliken, Reid, Saffer, Slack, Teegarden, Turman, Washburn, and Woods—26.

*Those who voted in the negative were,*

Messrs. Allen, Athon, Berry, Brugh, Crawford, Davis, Dougherty, Dunn, Emerson, Goodman, Hanna, Kinnard, Logan, Marshall, Miller, Niblack, Secrest, Sleeth, Spann, Walker, Winstandley, and Witherow—22.

The report, as amended, was then adopted.

On motion of Mr. Cravens,

The message from the House, relative to the appointment of Joint Committees to report joint rules,

Was taken up, concurred in ; and,



Messrs. Mickle, Emerson, and Dunn were by the President, appointed said committee on the part of the Senate.

Resolutions being in order,

Mr. Milliken offered the following:

*Resolved*, That the Committee on Finance be instructed to inquire whether any amendments are necessary to the assessment law of last session to establish a uniform and equal mode of assessing property for taxation.

Which was adopted.

Mr. Emerson offered the following resolution:

*Resolved*, That the Committee on the Judiciary be instructed to inquire and report whether the term of office of circuit judges appointed by the Governor since the adjournment of the last General Assembly, to fill vacancies occurred since that time, by resignation, or otherwise, extend beyond the final adjournment of the present General Assembly; and whether it is not incumbent on the present General Assembly to fill such vacancies by an election.

Which was adopted.

Mr. Holloway offered the following resolution:

*Resolved*, That the Committee on Finance inquire into the expediency of creating a Board of Equalization, whose duty it shall be to equalize the assessment of real estate in the respective counties of the State.

Which was adopted.

It then being in order,

Mr. Berry introduced the following bill:

No. 3. A bill directing the sale of the county seminary lands and apparatus.

Which was read a first time and passed to a second reading.

Mr. Brugh introduced

No. 4. A bill to amend "An act to incorporate the Fort Wayne and Southern Rail Road Company," approved January 15th, 1849.

Which was read a first time and passed to a second reading.

On motion of Mr. Berry,

The Senate adjourned.

2 o'clock.

Senate met.

The President laid before the Senate the reports of the following branches of the State Bank:

Lawrenceburg, Richmond, Vincennes, Lafayette and Fort Wayne;  
Which,

On motion of Mr. Turman,

Were referred to the Committee on Banks.

The President also laid before the Senate the 5th Annual Report of the Trustees of the Indiana Institute for the Education of the Blind.

Which,

On motion of Mr. Cravens,

Was referred to the Committee on Benevolent Institutions of the State.

Mr. Mickle offered the following resolution:

*Resolved*, That the State Librarian be requested to furnish each of the members with a copy of the statistical table of the seventh census of the State of Indiana, compiled by S. Meredith, Esq., U. S. Marshal for the District of Indiana, if such tables are in his office and not otherwise appropriated.

Which was adopted.

The hour 2 o'clock having arrived,

The Senate resolved itself into a Committee of the Whole,

The Senator from Clark [Mr. Athon] in the Chair:

And, after spending considerable time in consideration thereof,

The Committee rose and submitted, through their Chairman, the following report:

**MR. PRESIDENT:**

The Committee of the Whole, to whom was referred the Governor's Message, have had the same under consideration, and have passed sundry resolutions in relation thereto, and have directed me to report the same to the Senate, and ask to be discharged from the further consideration of the subject.

The Senate then proceeded to the consideration of said resolutions jointly.

No. 1. *Resolved*, That that portion of the Governor's Message relating to the domestic debt of the State, and the depositing by the county treasurers the amount of State revenue on hand, and the compensation for the same, be referred to the Committee on Finance.

No. 2. *Resolved*, That so much of the Governor's Message as relates to the *three per cent.* fund arising from the sale of public lands within this State, be referred to the Committee on Finance.

No. 3. *Resolved*, That so much of the Governor's Message as relates to laying off the State into Congressional Districts and Judicial Circuits, be referred to the Committee on Districting the State.

No. 4. *Resolved*, That so much of the Governor's Message as relates to the appointing of the Commissioners to revise and simplify the practice and pleadings in courts of Justice, be referred to the Committee on the Judiciary.

No. 5. *Resolved*, That so much of the Governor's Message as relates to Common Schools, be referred to the Committee on Education.

No. 6. *Resolved*, That so much of the Governor's Message as relates to the exclusion and colonization of negroes, be referred to the Committee on Federal Relations.

No. 7. *Resolved*, That so much of the Governor's Message as relates to the measures of adjustment passed by last Congress of the United States, and the harmony and perpetuity of the American Union, be referred to the Committee on Federal Relations.

No. 8. *Resolved*, That so much of the Governor's Message as relates to an appropriation to the State Board of Agriculture, be referred to the Committee on Finance.

No. 9. *Resolved*, That so much of the Governor's Message as relates to the registering the names of those who served in the Mexican war, be referred to the Committee on Military Affairs.

No. 10. *Resolved*, That so much of the Governor's Message as relates to a geological and topographical survey of the State, be referred to the Committee on Finance.

No. 11. *Resolved*, That so much of the Governor's Message as relates to the proceeds of the sale of the Georgia Lands, be referred to the Committee on Military Affairs.

No. 12. *Resolved*, That so much of the Governor's Message as relates to the investment of the school funds in the bonds of the State, be referred to the Committee on Education.

No. 13. *Resolved*, That so much of the Governor's Message as

relates to the inequality of the valuation of land in adjoining counties, be referred to the Committee on Finance.

No. 14. *Resolved*, That so much of the Governor's Message as relates to the domestic and foreign debt, and the expenditures ordinary and extraordinary during the last financial year; and so much as relates to the sale of the Madison and Indianapolis Rail Road, be referred to the Committee on Finance.

No. 15. *Resolved*, That so much of the Governor's Message as relates to the establishment of the office of Attorney General, be referred to the Committee on the Organization of Courts.

No. 16. *Resolved*, That so much of the Governor's Message as relates to the prohibition of negroes and mulattoes from coming and settling within the State, be referred to the Judiciary Committee.

No. 17. *Resolved*, That so much of the Governor's Message as relates to the field notes, maps, and other papers pertaining to the survey of the entire lands of the State, be referred to the Committee on Finance.

No. 18. *Resolved*, That so much of the Governor's Message as relates to the Swamp Lands, be referred to the Committee on Education.

No. 19. *Resolved*, That so much of the Governor's Message as relates to the Cannelton Cotton Mill in Perry county, be referred to the Committee on Manufactures.

Which resolutions were agreed to.

Mr. Milliken offered the following resolution:

*Resolved*, That the Door-keeper of the Senate be authorized to subscribe for three copies of the Volks Blatt for each member of the Senate during the session.

Mr. Reid moved to amend by striking out from the resolving clause, and inserting

"That the Door-keeper contract with the editor of the Volks-Blatt, a German newspaper, for three copies of his paper, at the lowest price, which shall be by him put up in covers and stamped ready for mail, to be forwarded by Senators for distribution ;"

Which amendment was accepted.

Mr. Woods moved to strike out "three" and insert in lieu thereof the word "two;"

Which motion prevailed.

Mr. Emerson moved to amend by striking out "and stamped";

Which motion was decided in the negative.

Mr. Dawson then moved to amend the amendment by adding:

"And furnish them to such members as desire them."

When,

On motion of Mr. Reid,

The pending amendments were laid upon the table.

Whereupon,

The resolution as amended was adopted.

Mr. Mickle, from the joint select committee to report joint rules submitted the following report:

**MR. PRESIDENT:**

The joint select committee appointed to report joint rules for conducting business in the two Houses of the General Assembly of the State of Indiana, have had that subject under consideration, and instructed me to report the following amendments to the joint rules of last session, and when so amended recommend their adoption:

## JOINT RULES

### FOR CONDUCTING BUSINESS IN THE TWO HOUSES OF THE GENERAL ASSEMBLY OF THE STATE OF INDIANA.

**RULE 1.** While bills or joint resolutions are on their passage between the two Houses, they shall be on paper, under the signature of their clerks respectively.

2. After a bill or joint resolution shall have passed both Houses, it shall be duly enrolled on paper; and the clerk of the House where it originated shall endorse on the back thereof the House in which it originated, under which he shall place his signature.

3. Every bill or joint resolution, after being enrolled, shall be examined by the joint committee of enrolled bills, consisting of at least one member from each House, who shall compare the same with the engrossed bill, and correct any errors they may discover, so as to make it agree therewith, and make their report forthwith to their respective Houses.

4. Every bill or joint resolution reported to have been duly enrolled, shall be signed, first by the Speaker of the House of Representatives, who shall send the same to the Senate; then by the President of the Senate; after which it shall be presented by the

joint committee of enrolled bills to the Governor for his approbation and signature; and the said committee shall report to their respective Houses the day of their presentation, which report shall be entered on the journals of each House.

5. All bills and joint resolutions shall be signed by the Speaker of the House of Representatives and President of the Senate, in their Houses respectively, when in session, which shall be carefully noted on the journals of each House.

6. When any paper or papers, proper to be acted upon by both Houses, shall come before either, the House before which such paper or papers are laid, shall, after acting thereupon, lay it or them before the other House.

7. In cases of disagreement between the two Houses, after passing the usual formalities, each House shall appoint, at the request of the other, two members to act as a committee of conference, which committee shall meet, endeavor to compromise the matter in dispute, and report to each House their proceedings thereon.

8. In all cases where the sergeant-at-arms of one House shall, by reason of official engagements or other cause, be unable to execute the commands or process of the House of which he is an officer, it shall be the duty of the sergeant-at-arms of the other House, to execute such commands, together with such process as may be directed to him by the presiding officer thereof.

9. A standing committee of three members on the part of each House, shall be appointed to act as a joint committee on public buildings.

10. A standing committee of three members on the part of each House, shall be appointed to act as a joint committee on the canal fund.

11. A standing committee of three members on the part of each House, shall be appointed to act as a joint committee on the State Library.

12. In all elections which require a distinct and separate vote of each House, the balloting shall be simultaneous in both Houses. No person shall be deemed to be elected in the proper House, making such separate choice, unless he receives a majority of all the votes given in such House. Each House shall, as soon as a choice be made on such separate balloting, forthwith communicate the same to the other House; and if it shall appear that the Houses have concurred in their choice of any or either of the persons so ballotted for, such person or persons shall be deemed and declared duly elected. But if the two Houses do not concur in their choice of each and all the officers so to be elected, then in such case, the two Houses shall in like manner forthwith proceed to a second separate choice of the remaining officers, so attempted to be elected; but if no concurrence then be had, the two Houses shall in like manner proceed to a third separate choice. If the two Houses shall not have concurred in their third separate choice, the two Houses shall proceed to joint

ballot, *instantly*, for the election of such officer or officers, as the two Houses may have failed for want of concurrence as aforesaid, to elect.

Strike out the word "balloting" wherever it occurs and insert in lieu thereof the word "voting."

Also strike out "balloted" wherever it occurs and insert in lieu thereof the word "voted."

13. In the election of Bank Directors, each ballot may contain as many names as there are directors to be chosen; but no person voted for shall be deemed to be elected, unless he receive a majority of all the votes given; but the balloting shall continue until the whole number be elected, unless the President of the Senate shall adjourn the same; which adjournment shall not extend beyond one day from that on which the adjournment was made, Sunday excepted.

Strike out the word "ballot," in the first line, and insert in lieu thereof the words "Senator and Representative."

Also, strike out the words "contain as," in the first line, and insert in lieu thereof the words "vote for as."

Also, strike out the word "names," in the second line, and insert in lieu thereof the word "person."

14. In the election of President and Directors of the State Bank, by a separate vote of each House, the doors of each House shall be closed, and all persons excluded, except the members and officers thereof: all of whom shall be prohibited from communicating the result of any ballot, until a choice shall have been made, by a separate vote of each House, or by joint ballot; and in communicating the choice of either House to the other, the name of the person chosen shall be communicated, without the number of votes given, to such person or any other person.

Strike out the word "ballot," wherever it occurs and insert in lieu thereof the word "vote."

Mr. Reid introduced,

No. 5. A bill for the organization of a county court in the nature of a court of common pleas, for each county in the State;

Which was read a first time and passed to a second reading.

The following message was received from the House by Mr. Sites, their Clerk:

MR. PRESIDENT:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following resolution, viz:

*Resolved*, That the House will, the Senate concurring thereto,

proceed to the election of a Director of the State Bank, by a viva voce vote, on Monday next at 2 o'clock P. M., to fill the vacancy of the Honorable Judge Henry, whose time of service is about to expire.

In which the concurrence of the Senate is respectfully requested.  
Which was reciprocated.

Also,

The following message was received from the House by Mr. Sites their clerk :

**MR. PRESIDENT:**

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof:

**No. 2.** A bill to authorize the board of County Commissioners to take and approve the official bonds of Sheriffs, Coroners and County Recorders.

In which the concurrence of the Senate is respectfully requested.

Which bill was taken up read a first time and passed to a second reading.

On motion of Mr. Niblack,

*Resolved*, That so much of the Governor's message as relates to the "pardoning power," be referred to the committee on the Judiciary, and that said committee be instructed to report by bill or otherwise.

Which was adopted.

On motion by Mr. Emerson,

*Resolved*, That the committee on the Judiciary be instructed to inquire and report whether the taking effect of the present constitution has annulled the local or special laws heretofore enacted upon the subjects enumerated or embraced in the 22d and 23d sections of article 4 of said constitution, and if so, whether the general laws of the State upon these subjects are in force in lieu of said local or special laws.

Which was adopted.



Mr. Hicks offered the following resolution:

*Resolved*, That the committee on Benevolent Institutions be instructed to inquire into the expediency of revising, amending and condensing into one act all the Statute laws of this State, on the subject of the Indiana Hospital for the Insane, the Indiana Institute for the education of the Blind, and the Deaf and Dumb Asylum; and that they report by bill or otherwise.

Which was adopted.

Mr. Eddy offered the following resolution:

*Resolved*, That when the Senate adjourns, it will adjourn to meet at nine o'clock on Monday morning next;

Which was adopted.

On motion of Mr. Turman,  
The Senate adjourned.

## MONDAY MORNING, December 8th, 1851.

Senate met.

The journal of Friday was read.

Mr. Sleeth presented the petition of sundry citizens of the State, in relation to the State Library, and moved its reference to the committee on finance;

Which motion prevailed.

Mr. Holloway presented a petition from the Wayne county Agricultural Society, and moved to refer the same to the committee on Agriculture;

Which motion prevailed.

Mr. Brugh presented the petition of sundry citizens of Delaware county, in relation to the publication of the delinquent list of said county;

Which,

On motion,

Was referred to the committee on Corporations.

Mr. Defrees presented the petition of sundry citizens of the State in relation to township libraries, and moved its reference to the committee on Education ;

Which motion prevailed.

Mr. Berry, from the committee on Federal Relations, made the following report:

MR. PRESIDENT:

The committee on Federal Relations, to whom was referred so much of the Governor's message as relates to the exclusion and colonization of negroes and mulattoes, have had that subject under consideration, and report the following bill for the action of the Senate:

No. 6. A bill to enforce the provisions of article 13 of the constitution of Indiana, &c.

Which was read a first time, and passed to a second reading.

Mr. Reid gave notice that on to-morrow, he would move to change standing rule, No. 48.

Mr. Niblack offered the following resolution :

*Resolved*, That there be a committee of ten appointed, consisting of one from each Congressional district, to take into consideration the propriety of making a geological survey of this State, and all matters relating thereto.

Which was adopted.

Mr. Emerson moved to reconsider the vote on the adoption of said resolution.

Which motion prevailed.

When,

Mr. Emerson moved to amend the resolution by inserting after the word "geological," the words "and agricultural."

Which was agreed to.

The question then being on the adoption of the resolution as amended,

It was decided in the affirmative.

Mr. Spann offered the following resolution.

*Resolved*, That the committee on Finance be instructed to inquire into the propriety of inserting a provision in the revenue laws, authorizing the boards doing county business in the several counties in this State, in which there may be a railroad, plank road, or canal, to assess a tax for county purposes, against any such road, or canal, (or upon the capital stock or property of any such road or canal,) in pro-

portion to the value thereof in each county, in the same manner as for other property now subject to taxation.

Which was adopted.

Mr. Niblack moved to take from the table the resolution relative to the forwarding of papers, &c.

Which motion prevailed.

Mr. Emerson moved to indefinitely postpone the resolution and pending amendments.

The question being on the indefinite postponement,

The ayes and noes being demanded by Messrs. Emerson and Secrest,

*Those who voted in the affirmative were,*

Messrs. Alexander, Allen, Berry, Brugh, Davis, Dawson, Delevan, Eddy, Emerson, Goodman, Hanna, Hatfield, Hester, Hickman, Holloway, Knowlton, Logan, Mickle, Miller, Saffer, Secrest, Teegarden, Walker, Winstandley, and Woods—25.

*Those who voted in the negative were,*

Messrs. Athon, Cravens, Crawford, Defrees, Dougherty, Dunn, Henton, James, Kendall, Kinnard, McCarty, Milliken, Niblack, Reid, Sleeth, Spann, Turman, Washburn, and Witherow—19.

So said resolution and pending amendments were indefinitely postponed.

Mr. Hanna introduced

No. 7. A joint resolution for the benefit of common schools, which was read a first time and passed to a second reading.

Mr. Milliken introduced

No. 8. A joint resolution in relation to the three per cent. fund, which was read a first time and passed to a second reading.

Mr. Milliken introduced

No. 9. A bill giving the several county auditors of the State additional authority to make deeds for school lands in certain cases, which was read a first time and passed to a second reading.

## BILLS ON THEIR SECOND READING.

No. 3. A bill directing the sale of county Seminary lands and apparatus which was read a second time and referred to committee on Education.

No. 4. A bill to amend an "act to incorporate the Fort Wayne and Southern Railroad Company," approved January 15, 1849.

Which was read a second time,

When

Mr. Brugh moved its reference to the committee on the Judiciary.

Mr. Eddy moved to lay the bill on the table,

Which motion prevailed.

No. 5. A bill to organize a county court in the nature of a court of common pleas for each county in the State.

Which was read a second time.

Mr. Milliken moved the reference of the bill to the committee on the organization of courts.

Mr. Reid moved that the bill be laid on the table and that one hundred copies of the same be printed.

When a division of the question was called for, and being ordered the question was taken on laying the bill on the table,

Which was decided in the affirmative.

Mr. Secrest moved the reconsideration of the vote laying the bill on the table,

Which motion prevailed;

And the vote was reconsidered,

When

On motion by Mr. Milliken,

The bill was referred to the committee on the organization of courts.

## BILLS OF THE HOUSE ON THEIR SECOND READING.

No. 2. A bill to authorize the board of county commissioners to take and approve the official bonds of Sheriffs, Coroners and county Recorders.

Which was read a second time,

When

Mr. Saffer moved to amend by inserting after the word "Recorder" the words "and clerks."

Mr. Delevan offered the following amendment to the amendment:

After "county board," in the first section, insert "the clerk of the court shall have power to take and approve bonds, in vacation of such county board."

It shall be the duty of such clerk to report to the county board at its next term thereafter, the said board may disprove the bond taken.

When,

On motion by Mr. Athon,

The bill and pending amendments were referred to the committee on the Judiciary.

The President laid before the Senate the following communication from the Secretary of State:

OFFICE OF SECRETARY OF STATE, }  
INDIANAPOLIS, December 5, 1851. }

HON. JAMES H. LANE,

*President of the Senate:*

SIR: Please to lay the enclosed annual report of the Secretary of State before the Senate.

Very respectfully,

CHARLES H. TEST.

Which,

On motion by Mr. Berry,

Was laid on the table.

The following message was received from the House, by Mr. Sites, their clerk:

MR. PRESIDENT:

I am directed by the House of Representatives, to inform the Senate that the House have passed the following resolution:

*Resolved*, That a committee of three on the part of this House be appointed to act with a similar committee on the part of the Senate, to inquire and report to this General Assembly, whether acts providing for the amendment of city and town charters, and the duties of private corporations, conflict with any provision of the constitution, and that the Senate be requested to reciprocate this resolution.

Messrs. Gookins, Stuart, and Holman have been appointed said committee on the part of the House.

Which was reciprocated by the Senate, and

Messrs. Dunn, Secrest, and Reid were appointed said committee on the part of the Senate.

The following message was received from the House of Representatives by Mr. Sites, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following joint resolution thereof:

No. 1. A joint resolution relative to the revision of the laws;

In which the concurrence of the Senate is respectfully requested.

Which resolution was taken up and read a first time.

Mr. Reid moved to suspend the rule and read the resolution a second time now.

Mr. Cravens moved to lay the motion to suspend on the table;  
Which motion prevailed.

On motion by Mr. Berry,  
The Senate adjourned.

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2 o'clock, P. M.

Senate met.

Mr. Hanna gave notice that on some subsequent day he would offer the following amendment to rule 38:

*Provided*, A majority of the Senate may, upon the motion of any member, refer to the appropriate committee, a bill after the first, and previous to the second reading; but such reference shall not dispense with the necessity of reading said bill upon its return from said committee.

The President laid before the Senate the report of the commissioners of the sinking fund.

Mr. Winstandley moved to take from the table the reports of the different branches of the State Bank;

Which motion prevailed.

Mr. Winstandley moved to refer *all* the reports from the State Bank and branches to the committee on Printing ;

Which motion prevailed.

The President laid before the Senate the report of the President of the State Bank of Indiana ;

Which,

On motion of Mr. Saffer,

Was referred to the committee on Printing.

Mr. Reid moved to refer the report of the commissioners of the sinking fund to the committee on Finance ;

Which motion prevailed.

Mr. Sleeth moved that the Senate proceed to the election by viva voce vote of a director of the State Bank of Indiana, in place of George Henry, whose term of service is about to expire.

Which motion prevailed.

*Those who voted for Beattie McClelland were,*

Messrs. Alexander, Allen, Athon, Berry, Brugh, Cravens, Crawford, Davis, Dawson, Delevan, Dougherty, Eddy, Emerson, Goodman, Hanna, Hatfield, Henton, Hester, Hickman, James, Kinnard, Logan, Longshore, Mickle, Miller, Milliken, Niblack, Reid, Secrest, Sleeth, Spann, Turman, Walker, Washburn, Winstandley, and Woods—36.

*Those who voted for George Henry were,*

Messrs. Defrees, Dunn, Holloway, Kendall, Knowlton, McCarty, Saffer, Teegarden, and Witheron—9.

Beattie McClelland having received a majority of all the votes given, was declared, by the President, duly elected by the Senate a director of the State Bank of Indiana on the part of the State for the term of four years from and after the expiration of the term of service of George Henry, the present incumbent.

Ordered, That the Secretary inform the House thereof, by sealed message.

The following message was received from the House by Mr. Sites, their clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to deliver to the Senate the accompanying sealed message in relation to the election of a director, on the part of the State, to the State Bank of Indiana.

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that at an election held by the House of Representatives with closed doors, in pursuance of a resolution of the two Houses, for the purpose of electing a director of the State Bank of Indiana to serve as such for the term of four years from and after the expiration of the term of the present incumbent, Judge George Henry, Beattie McClelland received a majority of all the votes given, and was thereupon declared duly elected on the part of the House of Representatives a director of the State Bank of Indiana, to serve as such during the term of four years from and after the term of service of the present incumbent.

The two houses having agreed in their choice of a bank director in the place of George Henry, Esq., Beattie McClelland was, by the President, declared duly elected a director of the State Bank of Indiana on the part of the State, to serve as such during the term of four years from and after the expiration of the term of service of the present incumbent, George Henry.

Mr. Eddy offered the following resolution :

*Resolved*, That a committee, entitled a committee on Swamp Lands be appointed to take charge of such matters in relation thereto as shall be deemed advisable, for the purpose of carrying out the objects of the grant by the United States, and of the Constitution of this State ;

Which was adopted.

Mr. Eddy moved that the committee under said resolution be composed of nine members.



Mr. Washburn offered the following resolution :

*Resolved*, That the Commissioners of the several counties, in this State, shall when official bonds are presented, for approval in vacation of a session if they consider the same sufficient, write on the back of the same "approved," and subscribe their names, and when endorsed by two or more of said Commissioners, the same shall be recorded on the Commissioners record of the county, by the Auditor or the person discharging the duties of the Auditor in the county.

Which,

On motion of Mr. Emerson,  
Was referred to the committee on the Judiciary.

Mr. Milliken offered the following reselution :

*Resolved*, That the committee on Corporations be instructed to report a bill condensing in one act the several acts in relation to the Manchester, Pleasant Ridge, and Elizabeth Turnpike Company ;  
Which was not adopted.

Mr. Miller offered the following resolution :

*Resolved*, That the committee on Military Affairs be requested to inquire if there is any militia law now in force in this State, and the propriety of revising the same ;  
Which was adopted.

Mr. Emerson offered the following resolution :

*Resolved*, That the committee on the Judiciary be instructed to inquire whether the amount of property now exempted by law from seizure or sale for the payment of debt, is a reasonable amount and sufficient to enable the debtor to enjoy the necessary comforts of life as contemplated by the 22d section of article one of the Constitution, and to report by bill or otherwise ;  
Which was adopted.

Mr. Dawson asked leave of absence for two weeks on account of sickness in his family ;  
Which was granted.

Mr. Reid offered the following resolution :

*Resolved*, That the Treasurer of State report to the Senate at an early day, a specific abstract of general expenses of the agent of

State connected with the said agency, including salary, expenses of postage, Stationery, &c., for the information of the Senate;  
Which was adopted.

Mr. James introduced,

No. 10. A bill to amend article 7 of chapter 45 of the revised Statutes of 1843, so as to give landlords the right to distrain for rent where the rent is received in kind;

Which was read a first time and passed to a second reading.

On motion of Mr. Sleeth,  
The Senate adjourned.

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TUESDAY MORNING,  
December 9, 1851. }

Senate met.

The Journal of yesterday was read.

The President of the Senate, Hon. James H. Lane, being absent,  
On motion of Mr. Sleeth,

Mr. Athon was appointed President *pro tem*.

Mr. Holloway moved to take from the table the petition of Hugh Call, and that the same be referred to the committee on the Judiciary,  
Which motion prevailed.

Mr. Hanna, from the committee on the Judiciary, submitted the following report :

MR. PRESIDENT :

The committee on the Judiciary, to which was referred a resolution of the Senate, in relation to the tenure of office of circuit judges who have been appointed by the governor, since the adjournment of the last General Assembly, have had that subject under consideration and a majority of said committee have directed me to report that, in the opinion of said committee, such judges as were in office at the time the present Constitution went into effect, are,

by said Constitution, continued in office until the first General Election, or until their successors are elected and qualified ; all vacancies which may have occurred in the office of circuit judge, since the going into effect of the Constitution, ought to be filled in the manner prescribed by the laws in force previous to such Constitution going into effect.

Mr. Emerson moved to lay the report on the table.

Which motion did not prevail.

The question then being on concurring in the report, it

Was decided in the affirmative.

Mr. Hanna, from the committee on the judiciary, submitted the following report :

**MR. PRESIDENT :**

The Judiciary committee, to which was referred a resolution of the Senate, instructing the committee to inquire whether the taking effect of the present Constitution has annulled the local or special laws heretofore enacted upon the subjects enumerated or embraced in the 22d and 23d sections of article 4, of said Constitution, &c., &c., have had that subject under consideration, and a majority of said committee have directed me to report that, as it was clearly the intention of the framers of the Constitution that, as soon as practicable hereafter, we should have none but general and uniform laws upon the subjects enumerated in the clause of that instrument above referred to, it is proper we should recommend the early passage of such laws, in pursuance of said intention.

We have not entered into a labored and lengthy investigation of the questions referred, for the reason that such labor would be fruitless, so far as the settlement of those questions is concerned. That is peculiarly the province of courts of justice.

Our opinions cannot, legitimately, have any force in the determination, by the courts, of the questions arising under said clause of the Constitution.

We cannot see that any act of ours will have the effect to enlarge or abridge rights, either acquired or lost, by the adoption of that instrument.

We, therefore, ask to be discharged from the further consideration of said resolution.

Mr. Emerson moved to concur in the report.

Mr. Reid moved to lay the report on the table ;

Which did not prevail.

The question then being on Mr. Emerson's motion to concur in the report,

It was decided in the affirmative.

Mr. Sleeth, from the committee on Benevolent Institutions, submitted the following report :

MR. PRESIDENT :

The committee on the Benevolent Institutions of the State, to whom was referred a resolution of the Senate in relation to an amendment of the law regulating the admission of patients to the Insane Hospital, have had the same under consideration, and have directed me to report the accompanying preamble and bill, and recommend its passage.

Which report was concurred in, and the accompanying bill

No. 11. A bill for the government of the Indiana Hospital for the Insane ;

Was read a first time, and passed to a second reading.

The following message was received from the House of Representatives, by Mr. Sites, their Clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof :

No. 5. An act to authorize masters in chancery and probate judges to issue writs of habeas corpus, and to try cases arising under such writs, and to award injunctions and writs of *ne exeat*, and providing their compensation for such services.

In which the concurrence of the Senate is respectfully requested.

Mr. Niblack offered the following resolution :

*Resolved*, That the committee on Finance, in addition to such amendments and modifications as may have been, or hereafter may be, agreed upon, be instructed to so amend and modify the present law for the assessment and valuation of personal property, as to dispense with that portion of the same requiring a *written schedule* of such property subject to taxation to be made, and substituting in its stead a series of questions to be propounded, under oath, to the owner of such property, or his agent, for the purpose of ascertaining the amount, kind and value of the same.

Which, after being modified so as to make it a resolution of inquiry, was adopted.

Mr. Woods offered the following resolution :

*Resolved*, That the committee on Benevolent Institutions of the State be instructed to report to the Senate a bill for the establishment of houses of refuge for the correction and reformation of juvenile offenders, as provided in the Constitution.

Which was adopted.

Mr. Reid offered the following amendment to standing rule of the Senate No. 48 :

*Resolved*, That the committee on Phraseology and Arrangement of Bills, now organized under the rules of the Senate, be changed to that of a joint committee, and that the House be respectfully requested to reciprocate this resolution by appointing a similar committee to act with that of the Senate, to be called the committee on Revision, Phraseology and Arrangement of the Laws of the State.

Which was adopted.

Mr. Miller offered the following resolution :

*Resolved*, That the committee on Finance be requested to inquire into the expediency of so amending the revenue law, that all resident tax-payers in this State be authorized to deduct their indebtedness out of their personal property ; and report by bill or otherwise.

Which was adopted.

Mr. Reid introduced

No. 12. A joint resolution in behalf of the Cuban prisoners ;  
Which was read a first time.

Mr. Reid moved to suspend the rules, and read the joint resolution a second time now.

The ayes and nays were taken under the rule.

*Those who voted in the affirmative were,*

Messrs. Alexander, Allen, Athon, Brugh, Crawford, Delevan, Hatfield, Hunt, James, Kinard, Knowlton, Longshore, Miller, Miliken, Reid, Saffer, Spann, and Woods—18.

*Those who voted in the negative were,*

Messrs. Berry, Cravens, Davis, Defrees, Dougherty, Eddy, Em-

erson, Goodman, Hanna, Henton, Hester, Hickman, Hicks, Holloway, Kendall, Logan, McCarty, Niblack, Secrest, Slack, Sleeth, Teegarden, Turman, Walker, Washburn, Winsteadley, and Withers—27.

So the rule was not suspended.

The President laid before the Senate the following communication from the President of the Board of Trustees of the Wabash and Erie Canal:

INDIANAPOLIS, Dec. 2d, 1851.

SIR:

I have the honor herewith to transmit the Annual Report of the Board of Trustees of the Wabash and Erie Canal, to be laid before the Senate.

Respectfully your obedient servant,  
CHARLES BUTLER,  
*Prest. of the Board.*

Which,

On motion by Mr. Reid,

Was referred to the committee on Printing.

The message of the House of Representatives, accompanying bill No. 5, was then taken up,

The bill read a first time, and passed to a second reading.

Mr. Hanna moved to take from the table the amendment to rule 38, as proposed by him, on yesterday ;

Which motion prevailed,

And the amendment to said rule was adopted.

On motion of Mr. Milliken,

The Senate adjourned.

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2 o'clock, P. M.

Senate met.

The President being still absent,

On motion of Mr. Milliken,

Mr. Emerson was called to the chair.

# BILLS ON THEIR SECOND READING.

No. 6. A bill to enforce the provisions of article thirteen of the Constitution of Indiana ;

Which was read a second time and referred to the committee on the Judiciary.

No. 7. A joint resolution for the benefit of common schools ;

Which was read a second time and referred to the committee on Education.

No. 8. A joint resolution in relation to the three per cent. fund ;

Which was read a second time and referred to the committee on Finance.

No. 9. A bill giving the several county auditors of the State additional authority to make deeds for school lands in certain cases ;

Which was read a second time. and referred to committee on the Judiciary.

No. 10. An act to amend article 7 of chapter 45, of the Revised Statutes of 1843, so as to give landlords the right to distrain for rent, where the rent is received in kind ;

Which was read a second time and referred to the committee on the Judiciary.

## JOINT RESOLUTIONS OF THE HOUSE.

No. 1. A joint resolution relative to the revision of the laws.

Which was read a second time.

When,

Mr. Dougherty moved to refer the same to the committee on the Judiciary.

Mr. Knowlton moved to lay the joint resolution on the table.

The ayes and noes being demanded by Messrs. Reid and Miller,

*Those who voted in the affirmative were,*

Messrs. Alexander, Allen, Athon, Berry, Cravens, Crawford, Davis, Defrees, Delevan, Eddy, Emerson, Hanna, Henton, Hickman, Hicks, Holloway, Hunt, James, Kendall, Knowlton, Logan, Longshore, McCarty, Niblack, Secrest, Slack, Walker, Washburn, Winstandley, Witherow, and Woods—31.

*Those who voted in the negative were,*

Messrs. Brugh, Dougherty, Goodman, Hatfield, Kinnard, Miller, Milliken, Reid, Saffier, Spann, and Teegarden—11.

So the joint resolution was laid on the table.

The President laid before the Senate the following communication from the cashier of the Branch of the State Bank, at Indianapolis :

BRANCH BANK, INDIANAPOLIS, }  
December 1, 1851.

HON. J. H. LANE,

*President of the Senate :*

Please lay before the Senate the accompanying report of the condition of this bank, as exhibited by our books, on the third Saturday of November, 1851.

Respectfully yours,

TH. H. SHARPE,

*Cashier.*

Which,

On motion,

Was referred to the committee on Banks.

Mr. Woods offered the following resolution :

*Resolved*, That the committee on Finance be instructed to inquire into the expediency of increasing the salary of the Governor, and report by bill or otherwise.

Which was adopted.

On motion of Mr. Hanna,

The committee on the Judiciary were authorized to employ a clerk.

Mr. Logan moved to reconsider the vote authorizing the committee on the Judiciary to employ a clerk.

Which motion prevailed.

The question then recurring on the agreement to Mr. Hanna's motion,

Mr. Berry moved to lay the motion on the table.

Which motion prevailed.

Mr. Milliken moved to take from the table joint resolution No. 1, of the House, and refer the same to the committee on the Judiciary.

Which was agreed to.



Mr. Secrest offered the following resolution:

*Resolved*, That the committee on Education be instructed to inquire into the expediency of providing by law for the consolidation of the various common school funds into one common fund, to be applied to the purpose of common school education throughout the State.

Which was adopted.

On motion of Mr. Miller,  
The Senate adjourned.

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WEDNESDAY MORNING, }  
December 10, 1851. }

The Senate met.

The President, Hon. James H. Lane being still absent,

On motion by Mr. Knowlton,

Mr. Emerson was called to the chair.

The journal of yesterday was read.

Mr. Niblack presented a petition from the commissioners of Daviess county, and moved its reference to the committee on Benevolent Institutions of the State.

Which motion was agreed to.

Mr. Emerson, from the committee on Finance, made the following report:

MR. PRESIDENT:

The committee on Finance, to whom was referred a resolution of the Senate referring so much of the Governor's message as relates to an appropriation to the State Board of Agriculture, to said committee, have had said resolution under consideration, and have instructed me to report the same back to the Senate, and recommend that said resolution be recommitted to the committee on Agriculture, and to ask that the committee on Finance be discharged from the further consideration thereof.

Which was concurred in.

Mr. Niblack, from the committee on Finance, made the following report.

MR. PRESIDENT:

The committee on Finance, to which was referred so much of the Governor's message as relates to the field notes, maps, and other papers pertaining to the survey of the entire lands of the State, have had the subject matter under consideration, and have instructed me to report that, in the opinion of said committee, the investigation of the same falls more particularly within the range of duties ordinarily assigned to the committee on the State Library, and to recommend that so much of said message as above described be referred to said last mentioned committee, and to ask to be discharged from the further consideration of the subject.

Which was concurred in by the Senate.

Mr. Emerson, from the committee on Finance, made the following report:

MR. PRESIDENT:

The committee on Finance, to whom was referred a resolution of the Senate, referring to said committee so much of the Governor's message as relates to the establishment of a State Board of Agriculture, have had the same under consideration, and have instructed me to report said resolution back to the Senate, and recommend that the same be recommitted to the committee on Agriculture. The committee ask to be discharged from the further consideration of the subject.

Which was concurred in.

Mr. Hicks, from the committee on education, made the following report:

MR. PRESIDENT:

The committee on Education, to which was referred bill of the Senate No. 3, have had the same under consideration, made one amendment thereto, directed me to report the same to the Senate, and upon the adoption of said amendment, to recommend the passage of the bill.

Amend by adding at the end of the first section as follows:

*Provided, however,* That in every case when, in the judgment of the county auditor, or person acting as such, an apparent valid claim is made by any person or persons, to the real or personal property of the county seminary of his county, or any interest therein; before

sale thereof, such county auditor, or person acting as such, shall defer the sale provided for in this act, and report the facts in relation to such claim or claims to the board of commissioners of his county, at the next succeeding session thereof; whereupon it shall be lawful for such board of commissioners to order and direct such auditor, or person acting as such, to sell all the right and interest of the county, in and to the county seminary property therein, in accordance with the provisions of this act; or such board of commissioners may employ counsel, and institute and prosecute, in the name of the proper county, against the claimant or claimants, in any court of competent jurisdiction, any suit or suits deemed necessary to quit the title to such seminary property, or to determine the rights of the parties therein, and when any such suit is determined, the interest of the county in such seminary property to be sold as above provided.

Which was concurred in, and the bill so amended;

When,

On motion by Mr. Niblack,

The bill was recommitted to the committee on the Judiciary.

Mr. Holloway, from the committee on Printing, made the following report:

MR. PRESIDENT:

The committee on Printing, to which was referred the report of the President of the State Bank, have examined the same, and respectfully recommend that 500 copies be printed for the use of the Senate;

Which report was concurred in.

Mr. Holloway, from the committee on Printing, also reported as follows:

MR. PRESIDENT:

The committee on Printing, to which was referred the report of the Trustees of the Wabash and Erie Canal, have examined the same, and respectfully recommend that 1,500 copies be printed for the use of the Senate.

Which was concurred in.

#### BILLS INTRODUCED.

Mr. Hanna introduced

No. 13. A bill prescribing rules for carrying into effect the twenty-first section of 7th article of the constitution.

Which was read a first time and referred to the committee on the Judiciary.

By Mr. Hanna :

No. 14. A bill declaratory of rights incident to or growing out of the marriage relation, and prescribing rules for the descent of estates ;

Which was read a first time and

On motion of Mr. Niblack,

It was referred to the committee on the Judiciary.

By Mr. Reid :

No. 15. A bill for the election of three commissioners to revise and amend the practice and pleadings of the courts of justice ;

Which was read a first time, and passed to a second reading.

By Mr. Defrees :

No. 16. A bill establishing township libraries ;

Which was read a first time, and passed to a second reading.

By Mr. Crawford :

No. 17. A bill to change the title of the Lawrenceburgh and Upper Mississippi Railroad Company ;

Which was read a first time, and passed to a second reading.

By Mr. Hester :

No. 18. A bill exempting five hundred dollars worth of real estate from execution ;

Which was read a first time and passed to a second reading.

By Mr. Hanna :

No. 19. A bill prescribing rules for the institution and carrying on of prosecutions for offences against the criminal laws, and modifying the grand jury system ;

Which was read a first time and passed to a second reading.

#### ORDERS OF THE DAY.

On motion by Mr. Brugh,

Senate bill No. 4 was taken from the table and referred to the joint committee, to inquire into the constitutionality of certain acts on corporations.

No. 12. A joint resolution in behalf of the Cuban prisoners ;  
Was read a second time.

When,

On motion of Mr. Mickle,  
The Senate adjourned.

2 o'clock, P. M.

Senate met.

On motion of Mr. Milliken,

Mr. Sleeth was called to the chair.

The consideration of joint resolution No. 12 was resumed.

Mr. Cravens moved to amend as follows:

That the State of Indiana, through her Representatives in General Assembly, declare her sympathy for those unfortunate American citizens who were engaged with Gen. Lopez in an expedition against the Spanish authorities on the island of Cuba, and were captured whilst engaged in the expedition, and are now imprisoned by Spanish authority in Spain.

*And be it further Resolved*, That our Senators be instructed, and our Representatives in Congress requested, to use all proper means, consistent with international law and treaty stipulations, to procure as speedily as possible the release of said prisoners, and their restoration to the United States.

Mr. Milliken moved to lay the joint resolution and pending amendment on the table;

Which motion prevailed.

Mr. Milliken moved to take from the table the credentials of members, and refer the same to the committee on Elections ;

Which was agreed to.

#### BILLS OF THE HOUSE ON THEIR SECOND READING.

No. 5. A bill to authorize masters in chancery and Probate Judges to issue writs of habeas corpus and to try cases arising under

such writs and to award injunctions and writs of *ne exeat*, and providing their compensation for such services.

Which was read a second time and referred to the committee on the organization of courts.

The following message was received from the House of Representatives by Mr. Sites their clerk.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following resolution:

*Resolved*, That the Speaker organize a standing committee of nine to be called the committee on revision, phraseology and arrangement, whose duty it shall be to revise and put in legal language the laws passed on at this session, and arrange the same in proper order, to act in concert with a similar committee of the Senate, and that Messrs. Miller, Bryant, Owen, Crim, English, Lavery, Suit, Harrison and Spencer have been appointed said committee on the part of the House.

Which, on motion, was laid on the table.

The following message was received from the House of Representatives by Mr. Sites their clerk.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that the House of Representatives have reciprocated the resolution of the Senate relative to the committee on phraseology and arrangement of bills &c., and Messrs. Miller, Bryant, Owen, Crim, English, Lavery, Suit, Harrison and Spencer were appointed said committee.

The following message was also received from the House of Representatives by Mr. Sites their clerk.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof.

No. 11. An act to authorize the Secretary of the State to furnish the Clerks' offices of the several counties, copies of the local and general laws, and providing for binding the same.

In which the concurrence of the Senate is respectfully requested.

## HOUSE BILLS.

No. 11. A bill to authorize the Secretary of State to furnish the clerks' offices of the several counties, copies of the local and general laws and providing for binding the same.

Which was read a first time and passed to a second reading.

Mr. Mickle gave notice that he would on to-morrow or some subsequent day move to amend standing rule of the Senate, No. 38.

Mr. Berry offered the following resolution:

*Resolved*, That in order that the committees can have an opportunity of attending to business now referred to them, the Senate will, until otherwise ordered, adjourn each evening until 2 P. M., next day.

Which was adopted.

Mr. Niblack offered the following resolution:

*Resolved*, That the Senate will, the House of Representatives concurring therein, proceed immediately to a revision of the laws of this State, excepting such portions of the same as are required to be revised by commissioners to be appointed for that purpose under the constitution, and will, in making such revision, follow, as nearly as practicable, the general arrangement embraced in the "revised statutes of 1843," and will adopt such portions of said statutes as may be applicable to our present political condition, and as may meet the views of the present General Assembly.

Which,

On motion by Mr. Secrest,

Was referred to the committee on the Judiciary,

Mr. Winstandley offered the following resolution:

*Resolved*, That the committee on Finance be requested to inquire into the expediency of so amending the assessment law as to exempt personal property of residents of this State from taxation, when the same is without, *and taxed* to the owner in another State.

Which was adopted.

Mr. Kendall offered the following resolution:

*Resolved*, That the committee to whom has been referred the subject of swamp lands, be instructed to inquire into the expediency of protecting the rights of such persons as were residing upon, or who have made improvements on any of said lands, and that said committee report by bill or otherwise.

Which was adopted.

Mr. Athon moved that

No. 11. A bill for the government of the Indiana Hospital for the Insane, and the care of the insane in Indiana,

Be recommitted to the committee on Benevolent Institutions of the State.

Which motion prevailed.

Mr. Eddy moved that the vote on referring said bill, be reconsidered.

Which motion prevailed.

The bill was read a second time;

When,

On motion by Mr. Athon,

It was recommitted to the committee on Benevolent Institutions of the State, with the following instructions:

Recommit to the "committee on Benevolent Institutions of the State," with instructions to strike out *six*, where it occurs, and insert *four*.

Also, provide in the bill for the classification of the Hospital Commissioners.

Which motion prevailed.

On motion by Mr. Mickle,

The Senate adjourned until to-morrow evening, two o'clock.

THURSDAY, Dec. 11, 1851. }  
2 o'clock, P. M. }

The Senate met.

The President, Hon. James H. Lane, being still absent,

On motion by Mr. Mickle,

Mr. Emerson was called to the chair.

The journal of yesterday was read.

The President laid before the Senate the following communication, from His Excellency the Governor:



HON. JAS. H. LANE,

*President of the Senate:*

SIR:—Please lay before the Senate the enclosed Report of the Visitor to the State Prison for the year 1851.

Yours, &c.,

JOS. A. WRIGHT.

Which was,

On motion,  
Referred to the committee on Printing.

Mr. Milliken presented the petition of Amos Ross;  
Which,

On motion,

Was referred to the committee on Claims.

Mr. Winsteadley, from the committee on Finance, made the following report:

MR. PRESIDENT:

The committee on Finance, to whom was referred a resolution of the Senate, instructing them to inquire into the expediency of amending the assessment law, so as to dispense with that portion requiring a written schedule of personal property to be made out and signed by the tax-payer, have had the subject under consideration, and a majority of the committee instructed me to report, that they deem it inexpedient to make the amendments proposed by the resolution; and ask to be discharged from the further consideration thereof.

Which was concurred in.

Mr. Eddy, from the committee on Corporations, made the following report:

MR. PRESIDENT:

The committee on Corporations, to whom was referred the petition of Charles Mansfield and others, in relation to the publication of the delinquent list of lands in Delaware county, have had the same under consideration, and have directed me to report to the Senate, that the subject matter of the petition more appropriately belongs to the committee on Finance; and recommend that it have that reference.

Which was concurred in.

Mr. Defrees offered the following resolution :

*Resolved*, That the committee on Banks be instructed to inquire into the propriety of passing a General Banking Law, and that they report by bill or otherwise.

Which was adopted.

Mr. Saffier offered the following resolution :

*Resolved*, That the committee on Public Buildings be instructed to report a bill providing for the permanent enclosure and preservation of the Tippecanoe battle ground, as required by the 10th Section of article fifteen of the Constitution.

Which was adopted.

Mr. Spann offered for adoption the following resolution :

*Resolved*, That the Judiciary committee be directed to inquire into the propriety of allowing a higher rate of interest than six per cent. on contracts for money loaned, other than by banks or associated capital.

Which was agreed to.

Mr. Kendall offered the following resolution :

*Resolved*, That the Secretary of the Senate be directed to correspond with each of the receivers of public money at the various Land Offices of this State, and request them to inform the Senate how much money has been deposited or left with them for the entry of Swamp Lands, since the passage of the Act of Congress, giving them to the State.

Mr. Mickle moved to amend by striking out "Secretary of the Senate," and inserting "Secretary of State."

Which was agreed to.

Mr. Slack offered the following resolution :

*Resolved*, That the committee on Finance be instructed to inquire into the expediency of so amending the assessment law as to exempt from taxation all open and running accounts.

Which was adopted.

Mr. James offered the following resolution :

*Resolved*, That two hundred copies of the rules adopted for the government of the Senate at its present session and also the joint

rules for the government of the two Houses of the General Assembly be printed for the use of the Senate.

Which was adopted.

Mr. Defrees offered the following resolution:

*Resolved*, That so much of the Governor's message as relates to the propriety of requiring each county Auditor to keep a record in which shall be entered a list of the fines assessed, recognizances forfeited &c., be referred to the committee on education.

Which was adopted.

Mr. Secrest offered the following resolution:

*Resolved*, That the committees of the Senate be so reorganized by the President that no standing committee shall consist of more than five members.

Which

On motion of Mr. Secrest,

Was laid upon the table.

#### ORDERS OF THE DAY.

##### *Bills upon their Second Reading.*

No. 14. A bill declaratory of rights, incidents to or growing out of the marriage relation and prescribing the descent of estates.

Was upon its second reading when

Mr. Milliken moved to refer the same to the committee on Judiciary.

Which motion prevailed.

On motion by Mr. Mickel,

The order of business was suspended; when he moved to amend rule thirty-eight, as follows:

Strike out the amendment proposed by Mr. Hanna;

Which was adopted;

And insert:

It shall be in order to read bills, on their second reading by title, for reference, and when so referred, it shall be in order for the committee to which they shall be referred, to report on the same with or without amendments, and the bill when returned shall be upon the second reading, and shall then, with the amendments proposed, if any, be read through by sections.

Which was adopted.

No. 15. A bill for the election of three commissioners to revise and amend the practice and pleadings of the courts of justice,  
Was read a second time ;

When,

On motion by Mr. Secrest,

It was referred to the committee on the Judiciary.

No. 16. A bill establishing township libraries,

Was upon its second reading ;

When,

Mr. Milliken moved to refer the same to the committee on the Judiciary ;

Which motion prevailed.

No. 17. A bill to change the title of the Lawrenceburgh and Upper Mississippi Railroad Company,

Was read a second time ;

When,

Mr. Berry moved to refer the same to the joint committee to inquire into the constitutionality of certain acts of corporations.

On motion by Mr. Secrest,

The bill was laid upon the table.

No. 18. A bill exempting five hundred dollars worth of real estate from execution,

Was upon its second reading ;

When,

On motion by Mr. Alexander,

It was referred to the Judiciary committee.

No. 19. A bill prescribing rules for the institution and carrying on of prosecutions for offences against the criminal laws, and modifying the grand jury system, as permitted by the constitution,

Was upon its second reading ;

When,

On motion by Mr. Milliken,

It was referred to the committee on the Organization of Courts.

Bill of the House,

No. 11. A bill to authorize the Secretary of State to furnish the clerks' offices of the several counties, copies of the local and general laws, and providing for binding the same ;

When,

On motion by Mr. Berry,

The bill was referred to the committee on Finance.

Mr. Winsteadley offered the following resolution :

*Resolved*, That the committee on Corporations be requested to inquire into the expediency of revising into one act, with such amendments as they deem necessary, the general laws for the organization of companies for the construction of plank roads, with leave to report by bill or otherwise.

Which was adopted.

Mr. Secrest moved a reconsideration of the vote upon the resolution of yesterday, changing the time of meeting.

Which motion prevailed.

The question recurring upon the adoption of said resolution,

Mr. Mickle moved to lay it on the table.

Which motion prevailed.

Mr. Eddy moved that the present presiding officer be authorized to appoint the committee on "Swamp Lands," heretofore raised by a resolution of the Senate.

Which motion prevailed.

Mr. Mickle presented the petition of sundry citizens of Allen county, relative to a free turnpike road, and moved to lay the same upon the table.

Which motion prevailed.

On motion by Mr. Holloway,

The Senate adjourned.

FRIDAY MORNING, }  
Dec. 12th, 1851. }

The Senate met.

The President, Hon. James H. Lane, being still absent,

On motion by Mr. Sleeth,

Mr. Milliken was called to the Chair.

The journal of yesterday was read.

Mr. Winstandley, from the committee on Finance, made the following report:

**MR. PRESIDENT:**

The committee on Finance, to whom was referred the report of the Commissioners of the Sinking Fund, have instructed me to report the same back to the Senate, and recommend that it be referred to the committee on Printing.

Which was concurred in.

Mr. Niblack, from the committee on the Judiciary, made the following report:

MR. PRESIDENT:

The committee on the Judiciary, to whom was referred joint resolution No. 1, of the House, entitled "A joint resolution relative to the revision of the laws," have had that subject under consideration, and, being of the opinion that a simple resolution of the Senate, asking the concurrence of the House, will be a more appropriate manner of arriving at the object desired to be attained by said joint resolution, have instructed me to report the same back to the Senate, and recommend that it be laid on the table.

Which report was concurred in.

Mr. Hanna, from the committee on the Judiciary, made the following report:

MR. PRESIDENT:

The committee on the Judiciary, to which was referred bill of the Senate No. 3, with the amendment proposed thereto by the Senate committee on Education, have had the same under consideration, and a majority of said committee have directed me to report the said bill and amendment back with one amendment to said amendment, and upon the adoption of said amendments, they recommend its passage.

Amend by adding the following to the amendment proposed by the committee on Education, to-wit:

*Provided further*, That the county commissioners may, if they deem it to the interest of the county, and of the proper fund, compromise with claimants, by paying such sums of money as may be agreed upon, and receive such releases or conveyances as will enable said commissioners to make a clear conveyance of said property to purchasers, which said conveyance shall be drawn in such *form* as to transfer not only the interest of the county as above set forth, but any interest, either immediate or remote, which the State may possess in said real estate.

Which report was concurred in.

Mr. Secrest offered the following amendment to said report:

To be paid out of the proceeds of the sale of such property.  
Which amendment was concurred in.

Mr. Hanna moved further to amend, as follows:

And provided further, that upon the sale of said property, real or personal, the said officer making said sale, shall report the same to

the board of county commissioners at their next session; and said board shall have the power to confirm or set aside said sale; and may in their discretion, hear evidence in relation thereto.

Which amendment was also concurred in, and the bill as amended ordered to be engrossed for a third reading.

Mr. Slack from the committee on the Judiciary submitted the following report:

**MR. PRESIDENT:**

The Judiciary committee to which was referred House bill No. 2, would report that they have had the same under consideration and have requested me to report the same back with the following amendments to-wit:

After the word Recorders in the first section, insert the words "and Clerks of Circuit Courts;" and at the conclusion of said first section add as follows, "and that said board of Commissioners or a majority of the members thereof shall whenever an official bond is required to be approved, meet at the office of the Auditor of the county, either in term time or vacation without any precept having been issued for that purpose and approve the securities thereto if sufficient, which said approval shall be endorsed on said bond and signed by said board.

The report was concurred in.

When

Mr. Winstandley offered the following amendment

"All officers who are required to give bonds, make it obligatory upon them to have their oath of office endorsed upon their bond."

Which was adopted.

Mr. Saffer moved to refer the bill and pending amendments to the committee on Agriculture.

Which motion was decided in the negative.

Mr. Emerson offered the following amendments:

Strike out the words "Indiana Statesman" and insert the word "paper."

Which was adopted.

The bill as amended was ordered to be engrossed for a third reading.

Mr. Logan from the committee on the Judiciary submitted the following report:

**MR. PRESIDENT:**

The committee on the Judiciary to whom was referred the resolu-

tion instructing the Senate, the House of Representatives, concurring therein, to proceed immediately to a revision of the laws of this State excepting such portions of the same as are required to be revised by commissioners to be appointed for that purpose, have had the same under consideration and a majority of said committee have instructed me to report the same back to the Senate and recommend its adoption.

Which report was concurred in.

Mr. Saffer moved that the vote upon concurring in said report be reconsidered.

Which motion prevailed.

Mr. Secrest offered the following amendment to the amended resolution reported back by the committee:

After the word State in the third line insert, so far as the same are required to be changed, amended or revised to conform our laws to the Constitution.

Mr. Emerson moved to amend the amendment as follows:

Strike out the amendment and add to the resolution the following:

*Provided, however,* That the laws which the present constitution require to be revised or amended shall be first revised.

Mr. Niblack moved to lay the amendment and the amendment to the amendment on the table.

Division of the question being called for,

The question was first taken on laying the amendment to the amendment on the table.

Which motion prevailed.

The question then being on the laying the amendment on the table the ayes and nays were demanded by two members, Messrs. Secrest and Berry.

*Those who voted in the affirmative were,*

Messrs. Cravens, Eddy, Emerson, Hatfield, Hickman, Longshore, Niblack, Sleeth and Spann—10.

*Those who voted in the negative were,*

Messrs. Alexander, Allen, Athon, Berry, Crawford, Davis, De-frees, Delevan, Dougherty, Goodman, Hanna, Henton, Hicks, Holloway, Hunt, James, Kendall, Kinnard, Knowlton, Logan, Mickle, Miller, Milliken, Reid, Saffer, Secrest, Slack, Teegarden, Turman, Walker, Washburn, Winstandley, Witherow and Woods—34.



So the amendment was not laid upon the table.

Mr. Niblack offered the following amendment to the amendment :

Strike out the amendment, and add after the word "State," in the third line, the words "so far as necessary to be done."

Mr. Eddy moved to lay the report and pending amendments upon the table.

Division of the question being called for,

The question was first taken on laying the amendment to the amendment on the table.

Which motion prevailed.

The question then being on laying the amendment on the table,

It was decided in the negative.

The question then being on the adoption of the amendment,

It was decided in the affirmative.

Mr. Berry then offered the following amendment :

Strike out all after the word "constitution," in the sixth line, to the word "as," in the tenth line, in the original resolution.

Which motion prevailed.

Mr. Secrest moved to refer the resolution and pending amendments to a select committee of three ;

Which motion prevailed.

And Messrs. Secrest, Niblack and Berry, were appointed said committee.

Mr. Holloway, from the committee on Printing, submitted the following report :

**MR. PRESIDENT :**

The committee on Printing, to which was referred the report of the Vistor to the State Prison, have examined the same, and recommend that one thousand copies be printed for the use of the Senate.

Which was concurred in.

Mr. Secrest, from the committee on the Organization of Courts, submitted the following report :

**MR. PRESIDENT :**

The committee on the Organization of Courts, to whom was referred House bill No. 5, have had the same under consideration, and have directed me to report the same to the Senate, with sundry amendments, recommended by said committee, and respectfully ask the concurrence of the Senate therein ; and upon the adoption of said amendments, recommend the passage of said bill.

Amend bill as follows, to-wit :

After the words "probate judges," in the fourth line, section one, insert "clerks of the circuit courts."

Also, insert the same in the ninth line, same section, after the word "judges."

After the word "judges," in the first line, section two, insert "clerks of the circuit courts."

Strike out of the third section these words: "the Public Printer," and insert "Secretary of State."

Also, strike out of third section these words: "a copy of the Indiana Statesman containing."

Which was concurred in, and the bill, as amended, was ordered to be engrossed for a third reading.

Resolutions being in order,

Mr. Emerson offered the following:

*Resolved*, That the committee on the Benevolent Institutions of the State be instructed to inquire into the expediency of providing for the election of the Trustees of the Indiana Asylum for the education of the deaf and dumb by the General Assembly; and also into the expediency of providing by law, that the Superintendent of said Asylum shall not be eligible to the office of trustee thereof, and that they report by bill or otherwise.

Which was adopted.

Mr. McCarty offered the following resolution :

*Resolved*, That the committee on the Affairs of the Town of Indianapolis be instructed to inquire into the expediency of memorializing Congress on the subject of appropriating a sum of money to aid in erecting a public building on the Governor's Circle, for the use of the United States, this State, and the city of Indianapolis: *Provided*, That each contribute therefor.

Which was adopted.

Mr. Knowlton offered the following resolution :

*Resolved*, That the committee on the Organization of Courts be, and are hereby instructed to inquire into the propriety of allowing witnesses mileage for traveling to, and returning from our circuit courts.

Which was adopted.

Mr. Hanna moved to reconsider the vote upon the adoption of the resolution.

Which motion prevailed.

Mr. Hanna moved to amend the same by inserting after the word "allowing," the word "jurors."

Which motion prevailed.

Mr. Mickle moved to amend further by adding, "and justices of the peace."

Which motion prevailed.

Mr. Athon offered the following resolution :

*Resolved*, That the committee on Education be authorized to employ a clerk from time to time, whenever they may deem it expedient.

Which was adopted.

Mr. Miller offered the following resolution :

*Resolved*, That the committee on Finance be instructed to inquire into the expediency of altering the present assessment law, so that each county may assess the revenue by township assessors.

Which was adopted.

#### BILLS INTRODUCED.

By Mr. Saffer ;

Bill No. 20, entitled "A bill giving to assessors a longer time to fill their official bonds and take the oath of office."

Which was read a first time, and passed to a second reading.

By Mr. Holloway ;

Bill No. 21, entitled "A bill to secure the early distribution and publication of the laws of a general nature."

Which was read a first time, and passed to a second reading.

Mr. Secrest moved to suspend the order of business ;

Which motion prevailed ;

Whereupon, he made the following report :

MR. PRESIDENT :

The select committee to whom was referred the resolution and amendments relating to the revision of the laws, so as to make them consistent with the constitution, have had that subject under consideration, and respectfully recommend the adoption of the following resolution, in lieu of the original resolution and amendments :

*Resolved*, That the Senate will, the House of Representatives concurring therein, proceed immediately to a revision of the laws of this State, so far as the same are required, to be changed, amended or revised, so as to conform our laws to the constitution, adopting such parts of the laws now in force as are consistent with the constitution, and the views of the present General Assembly.

Which report was concurred in.

On motion by Mr. Alexander,  
The Senate adjourned.

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2 o'clock, P. M.

The Senate met.

On motion by Mr. Mickle,  
Mr. Saffer was called to the chair.  
Mr. Sleeth moved to adjourn;  
Which motion prevailed.

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SATURDAY MORNING, 9 o'clock, }  
December, 13, 1851. }

The Senate met.

The President, Hon. James H. Lane, being still absent,  
On motion by Mr. Mickle,

Mr. Emerson was called to the chair.

The Journal of yesterday was read.

The chair announced the following committee on Swamp Lands:  
Messrs. Eddy, Alexander, Dawson, Dunn, Goodman, Kendall,  
Mickle and Woods.

On motion by Mr. Hanna,

Mr. Emerson was added to said committee.

Mr. Eddy submitted the Annual Register and Circular of the  
Northern Indiana Teachers' Institute for 1851;" and moved its re-  
ference to the committee on Education.

Which motion prevailed.

Mr. Washburn presented a petition in relation to township libra-  
ries, and moved its reference to the committee on Education with-  
out reading.

Which motion prevailed.

Mr. Slack presented a petition from the county commissioners of  
Wells county, and moved its reference to a select committee.

Which motion prevailed.

Whereupon,

The chair appointed Messrs. Slack, Kendall and Mickle, to serve as such committee.

Mr. Defrees presented a petition in relation to township libraries, and moved that it be referred to the committee on Education;

Which motion prevailed.

Mr. Holloway, from the committee on Printing, submitted the following report :

MR. PRESIDENT :

The committee on Printing, to which was referred the report of the commissioners of the sinking fund, have examined the same, and have instructed me to report the same back to the Senate, and recommend that it be printed in connection with the report of the President of the State Bank.

Which report was concurred in.

Mr. Winstandley offered the following resolution :

*Resolved*, That the Judiciary committee be instructed to inquire into the expediency of authorizing county auditors to take acknowledgments of all instruments of writing, and giving them the power to administer oaths.

Which resolution was adopted.

Mr. Delevan offered the following resolution :

*Resolved*, That the committee on Finance inquire into the expediency of that portion of the Governor's message recommending that the Treasurer of State call upon the county treasurers to make deposit of the State revenue that may be in their hands, and for such services, and for services rendered in making advance deposits of 1850, to be paid a reasonable compensation; and that said committee report by bill or otherwise.

Which resolution was adopted.

Mr. Goodman offered the following resolution :

*Resolved*, That the committee on Elections be instructed to take into consideration the propriety of reporting a bill regulating elections.

Which resolution was adopted.

Mr. Niblack moved to suspend the previous order of business,  
Which motion prevailed.

Whereupon,

He moved to take from the table the report of the superintendent of common schools, and refer the same to the committee on Printing;

Which motion also prevailed.

#### ORDERS OF THE DAY.

##### *Bills on their third reading.*

Senate bill No. 3, was read a third time, when

Mr. Dunn moved to recommit the bill to the committee on the Judiciary;

Which motion prevailed.

Bill of the House No. 2, entitled a bill to authorize the board of county commissioners to take and approve the official bonds of sheriffs, coroners, and county recorders,"

Was read a third time, when

Mr. Secrest moved to strike out the word "board" and insert in lieu thereof these words—"commissioners, or a majority of them;"

Which was unanimously agreed to.

The question being upon the passage of the bill, the ayes and noes were taken under the rule.

##### *Those who voted in the affirmative were,*

Messrs. Alexander, Allen, Athon, Berry, Brugh, Cravens, Crawford, Davis, Defrees, Delavan, Dougherty, Dunn, Eddy, Emerson, Goodman, Hanna, Hatfield, Henton, Hickman, Hicks, Holloway, Hunt, James, Kendall, Kinnard, Knowlton, Logan, Longshore, McCarty, Mickle, Miller, Milliken, Niblack, Reid, Saffer, Secrest, Slack, Spann, Turman, Walker, Winstandley, Witherow, and Woods—43.

##### *Those who voted in the negative were,*

Messrs. Teegarden and Washburn—2.

Mr. Berry moved to amend the title by inserting these words: "clerks of the circuit courts;"

Which motion prevailed.

Mr. Secrest moved to strike out the word "board" and insert the word "commissioner;"

Which motion prevailed.

No. 5. A bill to authorize masters in chancery and probate judges to issue writs of habeas corpus and to try causes arising under such writs, and to award injunctions and writs of *ne exeat*, and providing compensation for said services,

Was read a third time,

When,

On motion of Mr. Dunn,

It was laid upon the table.

Mr. Milliken moved to take from the table joint resolution of the Senate No. 12, entitled a joint resolution in favor and behalf of the Cuban prisoners, condemned by the Spanish authorities, and now in the dungeons of Spain;" and the pending amendments thereto;

Which motion prevailed.

The joint resolution was read a second time, when

Mr. Dunn offered the following amendment to the amendment:

Insert after the word "stipulations" in the sixth line, and before the word "to," as follows: "to sustain the President of the United States in his laudable efforts."

Mr. Secrest called for the previous question;

Which call was seconded.

Mr. Berry moved to adjourn,

Which motion did not prevail.

The question then being, shall the main question be now put?

It was decided in the affirmative.

The question being upon the amendment to the amendment, and

The ayes and noes being demanded by Messrs. Hanna and Turman,

*Those who voted in the affirmative were,*

Messrs. Alexander, Berry, Brugh, Cravens, Crawford, Defrees, Dunn, Eddy, Henton, Holloway, James, Kendall, Knowlton, McCarty, Saffer, Secrest, Teegarden and Witherow—17.

*Those who voted in the negative were,*

Messrs. Athon, Davis, Delevan, Emerson, Goodman, Hanna, Hatfield, Hickman, Hicks, Hunt, Kinnard, Logan, Longshore, Mickle, Miller, Milliken, Niblack, Reid, Slack, Spann, Turman, Walker, Washburn, Winstandley and Woods—26.

So the amendment to the amendment was not adopted.

The question now being on the adoption of the amendment, and  
The ayes and noes being demanded by Messrs. Dunn and Holloway,

*Those who voted in the affirmative were,*

Messrs. Alexander, Allen, Athon, Berry, Brugh, Cravens, Crawford, Davis, Defrees, Delevan, Dunn, Eddy, Emerson, Goodman, Hanna, Hatfield, Henton, Hickman, Hicks, Hunt, James, Kendall, Kinnard, Knowlton, Logan, Longshore, McCarty, Mickle, Miller, Milliken, Niblack, Reid, Saffer, Secrest, Slack, Spann, Teegarden, Turman, Walker, Washburn, Winstandley, Witherow, and Woods—  
43.

Mr. Holloway, voted in the negative.

So said amendment was adopted.

The Chair laid before the Senate the following communication from the Treasurer of State:

OFFICE OF TREASURER OF STATE, }  
INDIANAPOLIS, Dec. 11, 1851. }

HON. JAMES H. LANE,  
*President of Senate :*

SIR :—In reply to a resolution of your body, of the 8th inst., requesting me to “report, at an early day, a specific abstract of the general expenses of the Agent of State, connected with the said agency, (including salary, expenses of postage, stationery, &c.,)”—I have the honor to state that the vouchers necessary to enable me to furnish the desired information, are not filed in my office, but in that of the Auditor of State.

Very respectfully,  
Your ob’t serv’t,  
J. P. DRAKE,  
*Treasurer.*

Which communication was ordered to be laid on the table.

On motion of Mr. Cravens,  
The Senate adjourned.



2 o'clock, P. M.

The Senate met.

On motion of Mr. Cravens,  
Mr. Winstandley was called to the chair.  
Mr. Athon moved to suspend the order of business,  
Which motion prevailed.  
Whereupon he submitted the following report:

MR. PRESIDENT:

The standing committee on Education, to whom was referred Senate bill No. 16, relative to establishing township libraries, have had the same under consideration, and have directed me to report that they believe it inexpedient to legislate upon the subject at present, and recommend that it be laid upon the table; and ask to be discharged from the further consideration thereof.

Which report was concurred in.  
Mr. Hicks then moved to suspend the order of business;  
Which motion prevailed.  
Whereupon, he submitted the following report:

MR. PRESIDENT:

The committee on Benevolent Institutions of the State, to which was referred bill of the Senate No. 11—a bill for the government of the Indiana Hospital for the Insane—have had the same under consideration, made the following amendments thereto, directed me to report the said bill back to the Senate, and, upon the adoption of said amendments, to recommend its passage.

Amend as follows:

*First.* Strike out of the fifth line, first section, from the word "and" to the word "years" inclusive, and insert "three of whom, to be determined by lot, shall serve two years, and the other three four years."

*Second.* After the word "occurred," thirteenth line, first section, add "*provided*, no person holding the office of trustee in either of the Benevolent Institutions of the State shall hereafter be elected or appointed to the office of Commissioner of said Hospital."

*Third.* At the end of section first, add "and in addition to the compensation now allowed by law to Commissioners, any Commissioner residing out of the county of Marion shall be allowed six cents a mile, for each mile going to and returning from the meetings

of said Commissioners, estimated by the most usually travelled route from his place of residence."

*Fourth.* Strike out of the seventh and eighth lines, second section, from the word "as" to the word "finished," inclusive.

*Fifth.* Strike out all of section seven.

*Sixth.* Strike out of the nineteenth section, twenty-first line, all after the word "Superintendent," to the end of the section.

*Seventh.* Strike out all of section 32.

*Eighth.* Strike out of the fourth line of section 33, the word "three," and insert "two."

*Ninth.* Strike out from the fourth line of the thirty-fifth section, the words "for the reception of patients."

*Tenth.* Strike out all of the 36th section.

*Eleventh.* Add section —. When any officer of the Institution is required by the by-laws of the Commissioners to give bond, with security, for the faithful performance of his duties, such bond shall be made payable to the "Indiana Hospital for the Insane," upon such conditions as such Commissioners may prescribe.

Which report was concurred in, and

The bill, as amended, ordered to be engrossed.

Senate bill No. 20, entitled "a bill giving to assessors longer time to file their official bonds, and take the oath of office";

Was read a second time and ordered to be engrossed for a third reading.

Senate bill No. 21, entitled "a bill to secure the early distribution and publication of laws of a general nature";

Was read a second time, when

Mr. Emerson moved it be referred to the committee on Printing.

Which motion prevailed.

The following message was received from the House by their Clerk:

**MR. PRESIDENT:**

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof:

No. 13. An act to authorize the Grand Lodge of Free Masons, of the State of Indiana, to erect and maintain a monument on the battle ground of Tippecanoe.

In which the concurrence of the Senate is respectfully requested.

The accompanying bill was read a first time and passed to a second reading.

Also,

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following resolution, in which the concurrence of the Senate is respectfully requested:

*Resolved*, That a committee of three on behalf of the House be appointed to act with a like committee on behalf of the Senate to examine into and report upon the accounts of the Secretary of the Treasury, and Auditor.

And that Messrs. Davis, Leviston, and Dobson have been appointed said committee on the part of the House.

Which was reciprocated.

Also,

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof:

No. 15. An act to fix the time at which county treasurers shall be required to make their annual settlements with county auditors, and with the Auditor of State, and to authorize them to make deposits under the direction of the Treasurer of State.

In which the concurrence of the Senate is respectfully requested.

The accompanying bill was read the first time and passed to a second reading.

Also,

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has adopted the following resolution, in which the concurrence of the Senate is respectfully requested:

*Resolved*, The Senate concurring, that a committee of three on the part of this House, and the same number on behalf of the Senate, be appointed to confer together and determine upon the best plan to be adopted to secure a revision of the laws of this State.

And that Messrs. Spencer, Hudson, and Stover have been appointed said committee on the part of the House.

Which was reciprocated.

Also,

**MR. PRESIDENT:**

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed joint resolution thereof:

No. 2. Joint resolution relative to American influence abroad—the Hungarian revolution, and Lewis Kossuth.

In which the concurrence of the Senate is respectfully requested.

The accompanying joint resolution was read a first time and passed to a second reading.

Mr. Emerson moved to reconsider the vote upon the adoption of the resolution providing for the appointment of a joint committee to examine and report upon the accounts of certain officers.

Which motion prevailed.

On motion by Mr. Secrest,

The message and accompanying resolution were laid upon the table.

Mr. Athon asked leave of absence for the committee on Benevolent Institutions of the State.

Which was granted.

On motion by Mr. Niblack,

The Senate adjourned.

MONDAY MORNING, December 15th, 1851.

Senate met.

The President, Hon. James H. Lane, being still absent,

On motion by Mr. Milliken,

Mr. James was called to the chair.

The journal of Saturday was read.

Mr. Athon presented the petition of sundry citizens of Clark county, in relation to changing the time of holding the circuit court in said county.

Which was referred to a select committee.

Messrs. Athon, Cravens, Winstandley, Miller, Emerson, and Saffer were appointed said committee.

The following message was received from the House of Representatives, by Mr. Sites, their Clerk :

**MR. PRESIDENT :**

I am directed by the House of Representatives to inform the Senate that the House have reciprocated the resolution of the Senate to proceed immediately to a revision of the laws of this State, without amendment.

Mr. Eddy offered the following resolution :

*Resolved*, That the Auditor of State be requested to communicate to the Senate—

*First*. The number of acres of swamp lands in each of the several counties of this State, obtained by grant, from the United States, under the act entitled "An act to enable the State of Arkansas, and other States, to reclaim the swamp lands within their limits, approved September 28, 1850.

*Second*. The amount audited and paid to county surveyors, and other persons, for surveys of said lands, by each of the several boards doing county business, in which said lands are situated, and

*Third*. The amount of moneys deposited in the several land offices of the United States, in this State, for said lands; and the number of acres covered by the applications accompanying said deposits of money.

Which was adopted.

Mr. Miller offered the following resolution :

*Resolved*, That the committee on Roads be instructed to revise the present road laws, and introduce a general law for the government of all public highways, as well as private roads, laid out and established by public authority.

Which was adopted.

Mr. Allen offered for adoption the following resolution :

*Resolved*, That the Auditor of State is hereby required to lay before the Senate a statement of the expenses of the office of Agent of State, as audited in favor of the present incumbent, prior to the 31st day of October, 1851.

Which was agreed to.

Mr. Reid offered the following resolution :

*Resolved*, That the committee on Elections be instructed to examine the present election laws, and report at an early day, a general bill, governing the elections of State, county and township officers, so as to conform to the present constitution.

Which was adopted.

Mr. Secrest moved to take from the table the resolution relative to the organization of committees.

Which was agreed to.

Mr. Athon moved to amend as follows :

Amend by striking out from the resolving clause, and inserting these words : "that any three members of a standing committee shall constitute a quorum to do business."

Mr. Spann moved to lay the resolution and pending amendment on the table.

Which motion prevailed.

#### BILLS INTRODUCED.

Mr. Dougherty introduced,

No. 22. A joint resolution relative to the granting of the public lands to the settlers.

Which was read a first time, and passed to a second reading.

Mr. Slack introduced

No. 23. A bill providing for the election of township officers in the civil townships in the several counties in this State, prescribing the mode of doing township business, and the duties of township officers thereof, together with some of the duties of county Auditors and Treasurers.

#### BILLS ON THEIR THIRD READING.

No. 12. A joint resolution in favor and behalf of the Cuban prisoners, condemned by the Spanish authorities, and now in the dungeons of Spain.

When,

Mr. Niblack moved to recommit with the following instructions:

Add to the conclusion these words:

“And to sustain the President in all reasonable efforts for the purposes aforesaid.”

Also, to add a section authorizing the Governor to transmit a certified copy of the joint resolution to our Senators and Representatives in Congress.

Mr. Secrest moved to lay the motion to instruct, and instructions, on the table.

The ayes and noes being demanded by Messrs. Niblack and Teegarden,

*Those who voted in the affirmative were,*

Messrs. Alexander, Athon, Brugh, Crawford, Davis, Delevan, Dougherty, Emerson, Goodman, Hanna, Hatfield, Henton, Hickman, Hicks, Hunt, James, Kinnard, Logan, Longshore, Miller, Milliken, Reid, Secrest, Slack, Spann, Turman, Walker, Washburn, and Winstandley—29.

*Those who voted in the negative were,*

Messrs. Allen, Defrees, Dunn, Eddy, Holloway, Knowlton, McCarty, Mickle, Niblack, Saffer, Teegarden, Witherow and Woods—13.

So the instructions were laid on the table.

The question then being on the passage of the joint resolution, the ayes and noes were taken under the rule.

*Those who voted in the affirmative were,*

Messrs. Alexander, Allen, Athon, Berry, Brugh, Crawford, Davis, Defrees, Delevan, Dougherty, Dunn, Eddy, Emerson, Goodman, Hanna, Henton, Hickman, Hicks, Hunt, James, Kinnard, Knowlton, Logan, Longshore, McCarty, Mickle, Miller, Milliken, Niblack, Reid, Saffer, Secrest, Slack, Spann, Teegarden, Turman, Walker, Washburn, Winstandley, Witherow, and Woods—41.

Mr. Holloway voted in the negative.

So the joint resolution passed.

When,

Mr. Secrest moved to amend the title by striking out the word “dungeons.”

Which was agreed to and the title so amended.

The following message was received from the House by Mr. Sites, their Clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has concurred in the engrossed amendments of the Senate to engrossed bill of the House :

No. 2. A bill to authorize the board of county commissioners to take and approve the official bonds of Sheriffs, Coroners and county Recorders.

No. 11. A bill for the government of the Hospital for the Insane, and the care of the insane in Indiana ;

Which was read a third time.

Mr. Athon moved to reconsider the vote on ordering the bill to be engrossed ;

Which motion prevailed.

When,

On motion by Mr. Athon,

The bill was re-committed to the committee on Benevolent Institutions.

No. 20. A bill giving to assessors longer time to file their official bonds, and take the oath ;

Which was read a third time.

Mr. Spann moved to strike out the word "first" and insert these words, "fifteenth of January" ;

Which was unanimously agreed to.

Mr. Emerson moved further to amend as follows :

Strike out the words "Indiana Statesman, Indiana State Journal, and Indiana State Sentinel" ;

Which was also unanimously agreed to.

The question then being upon the passage of the bill,

The ayes and noes were taken under the rule.

*Those who voted in the affirmative were,*

Messrs. Alexander, Allen, Athon, Brugh, Crawford, Davis, De-frees, Delevan, Dunn, Hanna, Hatfield, Henton, Hickman, Hicks, Holloway, James, Kinnard, Knowlton, Longshore, Mickle, Miller, Milliken, Niblack, Reid, Saffer, Secrest, Slack, Spann, Walker, Washburn, and Winstandley—31.



*Those who voted in the negative were,*

Messrs. Berry, Dougherty, Emerson, Goodman, and Teegarden—5.

So the bill passed.

Mr. Dunn asked the unanimous consent to offer a resolution ;

Which was agreed to.

Whereupon, he offered the following :

*Resolved*, That the committee on Printing ascertain and report to the Senate as speedily as possible, the probable cost of printing all bills presented to this body for consideration, and what delay, if any, is likely to result therefrom, in the proceedings of the Senate.

Which resolution was adopted.

#### BILLS OF THE HOUSE ON THEIR SECOND READING.

No. 2. A joint resolution relative to American influence abroad, the Hungarian revolution, and Lewis Kossuth ;

Which was read a second time and passed to a third reading.

No. 13. A bill to authorize the Grand Lodge of Free Masons of the State of Indiana, to erect and maintain a monument on the battle-ground of Tippecanoe ;

Was read a second time,

When

Mr. Mickle moved to refer the same to the committee on the Judiciary.

Which motion prevailed.

Bill No. 15. A bill to fix the time at which county treasurers shall make their annual settlements with county auditors, and with the Auditor of State, and to authorize them to make deposits under the direction of the Treasurer of State ;

Was upon its second reading.

When

Mr. Milliken moved to refer the same to the committee on the Judiciary.

Which motion prevailed.

Mr. Athon gave notice that he would on to-morrow move the appointment of a new committee, on the Organization of County and Township Business.

On motion of Mr. Mickle,  
The Senate adjourned.

2 o'clock, P. M.

Senate met.

On motion of Mr. Reid,  
Mr. Holloway was called to the chair.  
Mr. Emerson offered the following resolution :

*Resolved*, That the committee on Finance, be instructed to report a bill providing for the assessment of personal property by township assessors, instead of county assessors.

Mr. Spann offered the following amendment :

After the word " assessing " insert these words " and collecting ."  
Which was not agreed to.

The question then recurring on the adoption of the resolution,  
The ayes and noes were called for by Senators Emerson and Athon.

*Those who voted in the affirmative were,*

Messrs. Alexander, Allen, Berry, Brugh, Cravens, Crawford, Davis, Delevan, Emerson, Goodman, Hanna, Hatfield, Hickman, Hicks, Holloway, Hunt, James, Kinnard, Longshore, Mickle, Milliken, Slack, Spann, Turman, Washburn and Woods—26.

*Those who voted in the negative were,*

Messrs. Athon, Defrees, Dougherty, Eddy, Henton, Kendall, Knowlton, Logan, Niblack, Reid, Saffer, Secrest, Teegarden, Walker, Winstandley and Witherow—16.

So the resolution was adopted.

Mr. Logan moved to take from the table the motion authorising the committee on the Judiciary to employ a clerk.

Which motion prevailed.

The question then being on the agreement to the motion, was decided in the affirmative.

Mr. Secrest offered the following resolution :

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of reorganizing the standing committees of the Senate, by reducing the number of members on each com-

mittee, and if expedient to report some plan by which said reduction may be effected.

Mr. Mickle moved to amend as follows :

Strike out "Judiciary" and insert "organization of courts."  
Which was agreed to.

Mr. Hanna offered the following amendment:  
Strike out from the resolving clause and insert as follows:

That in the reports from the said standing committees, when it appears that the same is made by a majority of the committee, said report shall show what number of the committee were absent at the time of the decision, unless a reasonable excuse exists for their non-attendance upon the sittings of said committee.

Which was not agreed to.

The question being on the adoption of the resolution as amended, was decided in the negative.

Mr. Secrest moved to take from the table the resolution authorizing the reorganization of the committees by the President.

Which motion prevailed, and the resolution was taken up.

Mr. Secrest moved to amend the resolution, so as to except the committee on the Judiciary.

Which amendment was adopted.

Mr. Berry moved to except also the committee on Canals and Internal Improvements.

Which was agreed to.

Mr. Cravens moved to amend by striking out the word "President," and inserting these words : "one from each congressional district."

Which was not agreed to.

The question being upon the adoption of the resolution,

And the ayes and noes being called for by Messrs. Secrest and Emerson,

*Those who voted in the affirmative were,*

Messrs. Alexander, Berry, Davis, Defrees, Delevan, Dunn, Emerson, Goodman, Hatfield, Henton, Hickman, Hicks, Hunt, James, Kinnard, Knowlton, Logan, Longshore, Mickle, Miller, Milliken, Reid, Saffer, Secrest, Slack, Teegarden, Turman, Washburn, With-  
erow and Woods—30.

*Those who voted in the negative were,*

Messrs. Allen, Athon, Brugh, Cravens, Crawford, Dougherty, Eddy, Hanna, Holloway, Niblack, Spann, Walker and Winstandley—13.

So the resolution was adopted.

Mr. Secrest gave notice that on to-morrow, or some subsequent day, he would move to proceed to the election of president, *pro tem*.

Mr. Emerson gave notice that he would, on to-morrow or some subsequent day, move an additional standing committee on practice and pleadings of courts of justice.

The chair announced the following names of Senators as the committee on the part of the Senate to devise the best means for the revision of the laws:

Messrs. Cravens, Secrest and Dunn.

Mr. Hanna moved to take from the table the resolution relative to districting the State for Judges.

Which motion prevailed.

The question being on the amendment to the amendment,  
It was lost.

The question then being upon the amendment,

The ayes and noes were called for by Messrs. Dunn and Emerson.

*Those who voted in the affirmative were,*

Messrs. Alexander, Allen, Athon, Berry, Brugh, Cravens, Crawford, Davis, Defrees, Delevan, Dunn, Emerson, Goodman, Hatfield, Hickman, Holloway, Hunt, James, Kinnard, Knowlton, Longshore, Miller, Niblack, Saffer, Spann, Teegarden, Washburn, Witherow and Woods—29.

*Those who voted in the negative were,*

Messrs. Eddy, Hanna, Henton, Hicks, Logan, Mickle, Milliken, Secrest, Slack, Turman, Walker and Winstandley—12.

So the amendment was agreed to.

Mr. Milliken moved to lay the resolution on the table.

Upon which motion,

The ayes and noes were demanded by Messrs. Dunn and Emerson.

*Those who voted in the affirmative were,*

Messrs. Eddy, Hanna, Henton, Hicks, Holloway, Knowlton, Logan, Longshore, Mickle, Milliken, Reid, Saffer, Secrest, Slack, Turman, Walker, Winstandley and Woods—18.

*Those who voted in the negative were,*

Messrs. Alexander, Allen, Athon, Berry, Brugh, Cravens, Crawford, Davis, Defrees, Delevan, Dunn, Emerson, Goodman, Hatfield, Hickman, Hunt, James, Kinnard, Miller, Niblack, Spann, Teegarden, Washburn and Witherow—24.

So the resolution was not laid on the table.

Mr. Hanna offered the following amendment :

Insert after the word "directed" the following: "inquire into the expediency of."

Mr. Eddy moved that the Senate adjourn.

Which motion did not prevail.

Mr. Emerson called for the previous question.

Which call was seconded.

The question being, shall the main question be now put?

On motion by Mr. Secrest,

The Senate adjourned.

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TUESDAY MORNING, }  
December 16, 1851. }

Senate met.

The Journal of yesterday was read.

The President laid before the Senate the following communication from the Auditor of State, accompanied with a statement of the expenses of the Agent of State.

OFFICE OF AUDITOR OF STATE, }  
 INDIANAPOLIS, Dec. 15, 1851. }

HON. JAMES H. LANE,  
*President of the Senate:*

SIR:—I am in receipt of the following resolution adopted by the Senate, to-wit:

*Resolved, That the Auditor of State is hereby required to lay before the Senate a statement of the expenses of the office of Agent of State, as audited in favor of the present incumbent, prior to the 31st October, 1851.*

In compliance therewith I have the honor to submit the following  
*Statement of the expenses of the office of Agent of State, from January 9, 1850, to October 31, 1851, inclusive.*

Date.	No. of voucher	To whom paid.	On what account paid.	Amount.	
				\$	Cts.
Jan. 9, 1850, to May 5, 1850,	5157	Postmaster..... W. W. Rose..... Bell & Gould..... Wm. W. Rose..... Postmaster.....	Postage..... Stationery..... Stationery..... Stationery..... Box rent.....	\$25 12 5 00 54 40 6 15 2 00	
May 5, 1850, to August 5, 1850,	5160	Postmaster..... Bell & Gould..... Postmaster..... Printer.....	Postage..... Stationery..... Box rent..... Advertisement.....	17 86 34 63 2 00 2 50	
Aug. 5, 1850, to December 1, 1850,	5985	Postmaster..... Bell and Gould.....	Postage..... Stationery.....	43 27 38 80	
December 1, 1850, to March 1, 1851,	6397	W. W. Rose..... Adams and Co..... Bell and Gould..... E. W. H. Ellis..... Postmaster..... Postmaster.....	Printing Bonds..... Express..... Stationery..... Auditor's allowance..... Box rent..... Postage.....	54 37 4 50 4 75 200 00 2 00 47 12	
March 1, 1851, to June 1, 1851,	6397	George H. Bell..... Adams and Co..... W. Sheets and Co..... Ellis and Spann..... Postmaster.....	Stationery..... Express..... Binding certificates..... Printing same..... Postage.....	10 26 4 00 18 00 40 00 30 50	
June 1, 1851, to September 1, 1851,	6418	Allen May..... Bell and Gould..... Postmaster..... Postmaster..... Postmaster..... George H. Bell.....	Office rent..... Safe..... Postage..... Box rent..... On newspapers..... Stationery.....	250 00 210 00 25 00 2 00 1 65 10 07	
September 1, 1851, to October 31, 1851,	6499	E. W. H. Ellis..... E. W. H. Ellis..... George H. Bell..... Postmaster..... Postmaster..... Allen May.....	Filling and signing 4,500 bonds Boxing and drayage..... Stationery..... Postage on newspapers..... Postage..... Office rent.....	45 00 2 00 5 68 1 65 18 00 166 67	
Total.....				\$1,302 88	

Respectfully submitted,

E. W. H. ELLIS,

*Auditor of State.*

Which statement,  
On motion,  
Was laid on the table.

Mr. Kinnard presented the petition of citizens of Carroll county which was on motion referred to a select committee consisting of Messrs. Kinnard, Reid and Davis.

Mr. Reid presented the petition of certain citizens of Union county and moved its reference to the committee on the organization of Courts.

Mr. Athon presented the petition of Dr. James Mathews of Clark county, and moved it be referred to the committee on the Benevolent Institutions of the State.

The petition was so referred.

Mr. Logan from the committee on the Judiciary, made the following report:

MR. PRESIDENT :

The committee on the Judiciary, to whom was referred Senate bill No. 18—an act exempting five hundred dollars worth of real estate from execution—have had the same under consideration, and a majority of them have instructed me to report the same back to the Senate, and recommend that it be laid on the table.

The bill was read a second time,  
When

Mr. Spann moved to re-commit with the following instructions, “or personal property.”

Mr. Dunn moved to strike out the words “five hundred” and insert the words “two thousand.”

Mr. Emerson moved that the bill and pending amendments be laid on the table ;

Which motion prevailed.

Mr. Slack, from the Judiciary committee, made the following report:

MR. PRESIDENT :

The Judiciary committee, to which was referred House bill No. 13, would report that they have had the same under consideration, and have requested me to report it back with the following amendment :

Strike out all of the second section ;

With that amendment they ask its passage, the committee unanimously regarding it as conflicting with the 22d section of the 4th article of the Constitution.

Which report was concurred in, and

The bill read a second time.

The question being on the engrossment of the bill :

The ayes and noes were called for by two Senators, and being ordered,

*Those who voted in the affirmative were,*

Messrs. Alexander, Allen, Athon, Berry, Brugh, Cravens, Crawford, Davis, Defrees, Delevan, Dougherty, Dunn, Eddy, Emerson, Goodman, Hanna, Hatfield, Henton, Hickman, Hicks, Holloway, Hunt, James, Kendall, Kinrard, Knowlton, Logan, Longshore, Mickle, Miller, Milliken, Niblack, Reid, Saffer, Secrest, Slack, Spann, Teegarden, Walker, Washburn, Winstandley, Witherow, and Woods  
—43.

No Senator having voted in the negative,

So the bill was ordered to be engrossed for a third reading.

Mr. Hicks, from the committee on the Benevolent Institutions of the State, made the following report :

**MR. PRESIDENT :**

The committee on Benevolent Institutions, to which was re-committed Senate bill No. 11—a bill for the government of the Indiana Hospital for the Insane, &c.—have had the same under consideration, made the following amendments thereto, directed me to report said bill and amendments back to the Senate, and recommend the passage thereof :

Amend—

*First.* By striking out from the 38th line, first section, the words “usually travelled,” and insert in lieu thereof, the word “direct.”

*Second.* After the word “him,” in the 20th line, 17th section, add these words : “or her.”

*Third.* After the word “such,” in the 12th line, 19th section, add the word “county.”

*Fourth.* Strike out from the 23d line, of section 31, the words “usually travelled.”

Which report was concurred in ;

The bill read a second time and ordered to be engrossed.

Mr. Holloway, from the committee on Printing, made the following report :



MR. PRESIDENT :

The committee on Printing, to which was referred the resolution of Mr. Dunn, directing said committee to ascertain and report to the Senate as speedily as possible the probable cost of printing all bills presented to this body for consideration, and what delay, if any, is likely to result therefrom in the proceedings of the Senate, have had the same under consideration, and have directed me to report that it is impossible to even approximate a correct estimate of the probable cost of printing all the bills which may be presented, as the number of the bills and their respective length cannot be ascertained. The committee, however, would respectfully suggest that if bills were printed in "solid matter," and not in the usual form with blank lines, that pages of the size of the pages of the general laws, would cost about one dollar per page; that generally three pages of ordinary manuscript will make one page of printed matter; from which senators can make an estimate of the cost of printing the respective bills as they may be presented, and the number of pages ascertained. The length of time necessary for the printing of bills of ordinary length is from one to three days.

Which report was,

On motion by Mr. Reid,

Laid on the table.

Resolutions being in order, the Senate proceeded to the consideration of the subject pending at the adjournment on yesterday.

Which was, shall the main question be now put?

The ayes and noes being called for by Senators Berry and Miller,

*Those who voted in the affirmative were,*

Messrs. Alexander, Allen, Athon, Berry, Brugh, Cravens, Crawford, Davis, Defrees, Delevan, Dunn, Emerson, Goodman, Hatfield, Holloway, Hunt, James, Kendall, Kinnard, Miller, Niblack, Reid, Saffer Spann, Teegarden, Washburn, Witherow and Woods—29.

*Those who voted in the negative were,*

Messrs. Dougherty, Eddy, Hanna, Henton, Hickman, Hicks, Logan, Longshore, Mickle, Milliken, Secrest, Slack, Turman, Walker and Windstandley—15.

The question then being on the adoption of the resolution,

The ayes and noes were demanded by Messrs. Dunn and Emerson.

*Those who voted in the affirmative were,*

Messrs. Alexander, Allen, Athon, Berry, Cravens, Crawford, Davis, Defrees, Delevan, Dunn, Emerson, Goodman, Hanna, Hatfield, Holloway, Hunt, James, Hendall, Kinnard, Knowlton, Mickie, Miller, Niblack, Reid, Saffer, Slack, Spann, Teegarden, Walker, Washburn, Witherow and Woods—32.

*Those who voted in the negative were,*

Messrs. Brugh, Dougherty, Eddy, Henton, Hickman, Hicks, Logan, Longshore, Milliken, Secrest, Turman and Winstandley—12.

So the resolution was adopted.

Mr. Niblack offered the following resolution :

*Resolved*, That so much of the existing laws as relate to the boundaries of this State and of the several counties therein, be referred to the committee on Federal Relations, and that said committee be instructed to inquire whether any changes are necessary in the several acts relating thereto, to make the same conform to the present constitution, and to report by bill or otherwise.

Which was adopted.

Mr. Mickie offered the following resolution :

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of so changing the law, that whenever the grounds for which a change of venue has been granted, shall cease to exist, upon that fact being made known to the clerks of the circuit court to which the change has been granted, shall forthwith return all the papers, with a certified copy of the proceeding had in said court, to the clerk of the court from which the change of venue was granted, and report by bill or otherwise.

Which was adopted.

Mr. Niblack offered the following resolution :

*Resolved*, That so much of the existing laws of this State as relate to crimes and punishment, be referred to the committee on the Judiciary, and that said committee be instructed to inquire what changes in the same, if any, are necessary to make said laws conform to the present constitution, and to report by bill or otherwise.

Which was adopted.

Mr. Defrees offered the following resolution:

*Resolved*, That the laws upon elections in this State, be referred to the committee on Elections, and that they be requested to so remodel and revise the same as to make them conform to the present constitution, and report the same to the Senate.

Which was adopted.

Mr. Slack offered the following resolution:

*Resolved*, That the committee on the Judiciary inquire into the expediency of so amending the present law organizing grand juries, as to give them jurisdiction only in cases of felony, and only in those cases when the party has previously been recognized to appear before the court, provided his residence was within the county in which the offence is alleged to have been committed.

Which was adopted.

Mr. Hickman offered the following resolution:

*Resolved*, That the committee on Education be requested to inquire into the expediency of so changing that part of the present school law, which provides for the distribution of the public school fund, so that each school district shall be entitled to an equal amount of the public school fund.

Which was adopted.

Mr. Mickle offered the following resolution:

*Resolved*, That the committee on Agriculture be instructed to inquire into the expediency of so amending the law concerning mills and millers, that hereafter the charge for grinding grain shall not exceed the one-tenth bushel.

Which was adopted.

Mr. Niblack offered the following resolution:

*Resolved*, That so much of the existing laws as relate to the organization and jurisdiction of the several courts of justice of this State, be referred to the committee on the Organization of Courts, and that said committee be instructed to inquire what changes are necessary in said laws, to make them conform to the present constitution, and to report by bill or otherwise.

Which was adopted.

Mr. Athon offered the following resolution:

*Resolved*, That an additional standing committee be raised, to be denominated "The committee on the Transaction of County and Township Business."

Which was agreed to.

#### BILLS.

Mr. Winstandley introduced

No. 24. A bill to amend sections one and seven of "an act to incorporate the Ayres University, approved January 20th, 1851."

Which was read a first time and passed to a second reading.

#### ORDERS OF THE DAY.

No. 2. A joint resolution relative to American influence abroad—the Hungarian revolution, and Louis Kossuth.

Which was read a third time.

When,

Mr. Winstandley moved to reconsider the vote on ordering the bill to be engrossed.

Which motion prevailed,

When,

On motion by Mr. Winstandley,

The bill was referred to the committee on Phraseology and Arrangement of bills.

#### BILLS ON SECOND READING.

Joint resolution of the Senate,

No. 22. A joint resolution relative to the granting of the public lands to settlers,

Was read a second time and ordered to be engrossed for a third reading.

Bill of the Senate,

No. 23. A bill providing for the election of township officers in

the civil townships in the several counties in this State, prescribing the mode of doing township business, and the duties of the township officers thereof, together with some of the duties of county auditors and treasurers,

Was upon its second reading ;

When,

On motion of Mr. Slack,

It was laid on the table.

The following message was received from the House, by Mr. Sites, their clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof:

No. 24. An act, providing a remedy for the illegal reduction of the aggregate valuation of real estate in the several counties of this State.

In which the concurrence of the Senate is respectfully requested.

Which bill was read a first time, and passed to a second reading.

Mr. Emerson offered the following resolution :

*Resolved*, That in addition to the standing committees now authorized, a committee on the Practice and Pleadings of Courts of Justice, be appointed, to consist of five Senators.

Mr. Dunn moved to amend by inserting after the word "justice" the words "and criminal laws of this State,"

Which amendment was accepted.

Mr. Niblack moved to amend the amendment by striking out from the word "on" to the word "criminal,"

Which motion was lost.

The resolution as amended was adopted.

Mr. Defrees offered the following resolution :

WHEREAS, By the vote taken at the last August election, adopting the thirteenth article of the present Constitution, the people have, by a large majority, declared themselves in favor of colonizing the negroes of this State: Therefore,

*Resolved*, That the committee on Finance be requested to devise some means by which a fund may be raised for that purpose, and that they report the same, by bill or otherwise, to the Senate.

Which resolution was adopted.

Mr. Emerson moved the re-consideration of the vote on the

adoption of the resolution authorizing the re-organization of the committees.

The ayes and noes were called for by Messrs. Secrest and Milliken.

*Those who voted in the affirmative were,*

Messrs. Allen, Athon, Brugh, Cravens, Davis, Dougherty, Eddy, Emerson, Hanna, Hickman, Holloway, Hunt, Logan, Mickle, Niblack, Reid, Saffer, Slack, Spann, Teegarden, Turman, Walker, and Winsteadley—23.

*Those who voted in the negative were,*

Messrs. Alexander, Berry, Crawford, Defrees, Delevan, Dunn, Goodman, Hatfield, Henton, Hicks, James, Kinnard, Knowlton, Longshore, McCarty, Milliken, Secrest, Washburn, Witherow, and Woods—20.

So the vote was re-considered.

Mr. Miller asked to be excused from voting.

Granted.

Mr. Dougherty moved that the resolution be indefinitely postponed.

The ayes and noes were called for by Messrs. Secrest and Emerson.

*Those who voted in the affirmative were,*

Messrs. Allen, Athon, Brugh, Crawford, Dougherty, Eddy, Emerson, Hanna, Hatfield, Hickman, Holloway, Hunt, Kinnard, Saffer, Spann, Teegarden, Turman, Walker, Washburn, and Winsteadley—20.

*Those who voted in the negative were,*

Messrs. Alexander, Berry, Cravens, Defrees, Delevan, Dunn, Goodman, Henton, Hicks, James, Knowlton, Logan, Longshore, McCarty, Mickle, Miller, Milliken, Niblack, Reid, Secrest, Slack, Witherow, and Woods—23.

So the resolution was not indefinitely postponed.

On motion by Mr. Cravens,

The resolution was laid on the table.

Mr. Secrest asked to be excused from serving on the committee on Corporations.

Granted.

Mr. Dunn asked to be excused from serving on the following committees: the committee on Banks, the committee on Canals and Internal Improvements, the committee on Claims, the committee on Phraseology and Arrangement of Bills.

Granted.

Mr. Emerson gave notice that he would on to-morrow, or some subsequent day, move to amend the rules so that when a member is excused from serving on a committee, his place shall not be filled, till the number is reduced below five.

Mr. Milliken offered the following resolution :

*Resolved*, That the Senators from Putnam, Lawrence and Boone, be appointed a committee, and instructed to inquire into, and report to the Senate the number of causes now pending in the Supreme Court, and whether they have accumulated or not, for the last year, and to what extent.

Mr. Hanna moved to amend as follows ;

And that they report the number of cases that have been on the docket over ten years, over eight years, over six years, over four years.

Mr. Secrest offered the following substitute :

*Resolved*, That the clerk of the Supreme Court be respectfully requested to communicate to the Senate the number of causes on the docket of said court on the 15th day of November, 1846, and on the same day of each year subsequent to that time, and the number of new causes in each year.

Mr. Milliken moved to amend by striking out the word "respectfully," and inserting the word "immediately";

Which motion was lost.

Mr. Dunn moved to strike out "40," and insert "20."

On motion of Mr. Cravens,

The Senate adjourned.

2 o'clock, P. M.

Senate met.

On motion by Mr. Milliken,  
A call of the Senate was ordered.

Present,

Messrs. Allen, Athon, Berry, Delevan, Dougherty, Dunn, Eddy, Emerson, Hatfield, Henton, Hickman, Holloway, Kendall, Kinnard, Marshall, McCarty, Niblack, Odell, Reid, Slack, Sleeth, Teegarden, and Witherow—23.

By order of the Senate, the absentees were sent for.

When,

On motion by Mr. Cravens,

A further call of the Senate was dispensed with.

The Senate then proceeded to the consideration of the resolution before them at the time of the adjournment.

Mr. Emerson moved that the resolution and pending amendments be referred to a select committee;

Which motion prevailed.

The President appointed Messrs. Emerson, Milliken and Mickle said committee.

Mr. Hanna introduced

No. 25. A bill providing for the appointment of three commissioners to revise, simplify and abridge the rules of practice and pleadings, and forms of the courts of justice; and to abolish the distinct actions at law; and the distinction between law and equity pleading;"

Which was read a first time and passed to a second reading.

Mr. Miller introduced

No. 26. A joint resolution in favor of common schools;  
Which was read a first time and passed to a second reading.

On motion of Mr. Mickle,  
The Senate adjourned.



WEDNESDAY MORNING, }  
December 17, 1851. }

The Senate met.

The journal of yesterday was read.

Mr. Doughty presented the petition of sundry citizens of the State in relation to the existing license laws for retailing liquors, and moved to refer the same to the committee on Benevolent Institutions.

Mr. Milliken moved to lay the petition on the table;

Which motion prevailed.

Mr. Dougherty presented the memorial of sundry females of the State, on the subject of the existing license laws for retailing liquors

Which, .

On motion,

Was laid on the table.

Mr. Milliken moved that the committee on Temperance be organized, and that Mr. Dougherty be made chairman;

Which motion prevailed.

Mr. Dunn, from the committee on the Judiciary, made the following report:

**MR. PRESIDENT:**

The committee on the Judiciary, to whom was referred a resolution of the Senate, instructing said committee to inquire whether the amount of property now exempted by law from seizure or sale for the payment of debts, is a reasonable amount, and sufficient to enable the debtor to enjoy the necessary comforts of life, as contemplated by the 22d section of article one of the constitution, &c., have had the same under consideration, and have instructed me to report that the existing laws referred to in the resolution have been in force some years, and so far as known to the committee, have not anywhere been the subject of reasonable complaint; and said committee are of opinion that the exemption under those laws are amply sufficient for any condition of things likely to arise in our State for some years to come, as the fact is well known that all the comforts of life are cheap and easily obtained amongst us.

The committee are also of opinion that while it is the duty of the Legislature to protect the debtor, who has been overtaken by misfortune, from being reduced to utter want, by exacting creditors, it is no less obligatory upon the law-making power to foster and sustain the commerce of society, by maintaining wholesome laws for the collection of debts.

Mr. Secrest moved to lay the report on the table.

Which motion prevailed.

Mr. Reid, from the committee on the Judiciary, submitted the following report :

**MR. PRESIDENT:**

The committee on the Judiciary, to whom was referred Senate bill, No. 10, the same being an act to amend Art. 7, of chapter 45, of the revised statutes of 1843, have had the same under consideration, and a majority of said committee have instructed me to report the same back to the Senate, and recommend its passage.

Mr. Secrest moved to indefinitely postpone the bill.

Mr. Cravens moved to lay the bill on the table.

Which motion prevailed.

Mr. Niblack, from the committee on the Judiciary, submitted the following report.

**MR. PRESIDENT:**

The committee on the Judiciary, to whom was referred the petition of Hugh Cull, of the county of Wayne, have had the same under consideration, and are of the opinion that there is no power vested in the General Assembly to grant the prayer of said petition, and that any legislation upon the subject would be inoperative and ineffectual in accomplishing the object contemplated therein, and have instructed me to report said petition back to the Senate and recommend that it be laid on the table.

Which report was concurred in.

The following message was received from the House of Representatives, by Mr. Sites, their Clerk :

**MR. PRESIDENT:**

I am directed by the House of Representatives to inform the Senate that the Speaker has signed the following enrolled act of the House:

No. 2. An act to authorize the board of county commissioners to take and approve the official bonds of Sheriffs, Coroners, and county Recorders.

Which I am directed to bring to the Senate for the signature of the President thereof.

Mr. Dunn, from the committee on the Judiciary, submitted the following report :

MR. PRESIDENT:

The committee on the Judiciary, to whom was referred Senate bill No. 13, have had the same under consideration, and directed me to report the same back to the Senate, with a recommendation that it be indefinitely postponed.

On motion by Mr. Dunn,  
The Senate adjourned.

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2 o'clock, P. M.

The Senate met.

The question pending at the adjournment was resumed and the report concurred in.

Mr. Hanna, from the committee on the Judiciary, submitted the following report:

MR. PRESIDENT:

The Judiciary committee, to which was referred the matter of the petition of the county commissioners of Delaware county, in relation to the publication of the delinquent list, have had that subject under consideration, and a majority of said committee have directed me to report that we deem legislation on the subject referred, to be unnecessary.

Which report was concurred in.

Mr. Slack, from the committee on the Judiciary, submitted the following report:

MR. PRESIDENT:

The Judiciary Committee, to which was referred the resolution of the Senate, inquiring into the expediency of authorizing county auditors to take acknowledgments of all instruments of writing, and also giving them the power to administer oaths, would report that they have had the same under consideration, and have requested me to report that it is inexpedient to legislate upon the subject, and ask that the subject be indefinitely postponed.

Which was concurred in.

## BILLS INTRODUCED.

By Mr. Hanna :

No. 27. A bill for the relief of persons who are likely to suffer by the destruction of the records and other writings of Clay county, and to provide for furnishing said county with tract-books, lists of canal bonds, general and local laws, and the decisions of the supreme court, and to provide for the collection and disbursement of revenue, and to authorize the commissioners of said county to meet; Which was read a first time, and passed to a second reading.

Mr. Secrest introduced

No. 28. A bill to protect railroads and the lives of passengers; Which was read a first time, and passed to a second reading.

Mr. Emerson introduced

No. 29. A bill abolishing the distinctions between actions at law and suits in equity, and the forms of all such actions and suits, designating the parties to an action, and abolishing all forms of pleading heretofore existing, and providing a uniform mode of proceedings in courts of justice;

Which was read a first time and passed to a second reading.

## ORDERS OF THE DAY.

*Bills on their Third Reading.*

No. 11. A bill for the government of the Indiana Hospital for the Insane, and the care of the insane in Indiana; Which was read a third time.

The ayes and noes were taken under the rule.

*Those who voted in the affirmative were,*

Messrs. Alexander, Allen, Athon, Berry, Brugh, Crawford, Davis, Defrees, Dougherty, Dunn, Eddy, Goodman, Hatfield, Henton, Hickman, Hicks, Holloway, Hunt, James, Kendall, Kinnard, Knowlton, Logan, Longshore, Marshall, McCarty, Mickle, Miller, Milliken, Niblack, Saffer, Slack, Spann, Teegarden, Turman, Walker, Washburn, Witherow, and Woods—39.

*Those who voted in the negative, were,*

Messrs. Emerson, Hanna, and Winstandley—3.

So the bill passed.

On motion by Mr. Athon,  
Leave of absence was granted to the committee on Education.

No. 22. A joint resolution relative to granting public lands to settlers ;

Was read a third time.

And the question being upon the passage thereof, it passed—ayes 36.

*Those who voted in the affirmative were,*

Messrs. Alexander, Allen, Berry, Brugh, Crawford, Defrees, Delevan, Dougherty, Dunn, Eddy, Emerson, Goodman, Henton, Hickman, Hicks, Holloway, Hunt, James, Kendall, Kinnard, Knowlton, Logan, Longshore, McCarty, Mickle, Miller, Niblack, Saffer, Slack, Spann, Teegarden, Turman, Walker, Washburn, and Witherow.

House bill No. 13. A bill to authorize the Grand Lodge of Free Masons of the State of Indiana to erect and maintain a monument on the battle-ground of Tippecanoe ;

Which was read a third time and passed—ayes 34.

*Those who voted in the affirmative were,*

Messrs. Alexander, Allen, Berry, Brugh, Crawford, Davis, Defrees, Delevan, Dougherty, Dunn, Emerson, Goodman, Hanna, Henton, Hickman, Holloway, Hunt, James, Kendall, Kinnard, Knowlton, Logan, Longshore, Marshall, McCarty, Miller, Niblack, Saffer, Slack, Spann, Teegarden, Walker, Washburn, and Witherow—34.

#### BILLS ON THEIR SECOND READING.

House bill No. 24. A bill providing a remedy for the illegal reduction of the aggregate valuation of real estate in the several counties in this State ;

Which was read a second time, and ordered to be engrossed for a third reading.

Mr. Dunn moved to reconsider the vote ordering the engrossment;  
Which motion prevailed.

When,

On motion of Mr. Dunn,  
The bill was referred to the committee on Finance.

#### BILLS OF THE SENATE.

No. 24. A bill to amend sections 1 and 7 of an act entitled "an act to incorporate the Ayers University," approved Jan. 20th, 1851;  
Was read a second time.

When,

On motion of Mr. Emerson,  
It was referred to the committee on Corporations.

No. 26. A joint resolution for the purpose of obtaining from the General Government a grant of the unsold lands belonging thereto in the Vincennes District, for the benefit of common schools situated in said district;

Was read a second time.

When,

On motion of Mr. Miller,  
It was referred to the committee on Education.

No. 25. A bill providing for the appointment of three commissioners to revise, simplify and abridge the rules, practice, pleadings and forms of the courts of justice, and to abolish the distinct forms of actions at law and the distinction between law and equity;

Was read a second time, when

Mr. Slack moved to indefinitely postpone the same;

Which motion did not prevail.

Mr. Emerson then moved to lay the same upon the table;

Which motion was decided in the negative.

Mr. Slack moved to refer the same to the committee on the Judiciary;

Which motion did not prevail.

The question being, shall the bill be engrossed?

The ayes and nays were demanded by Senators Dunn and Marshall.

*Those who voted in the affirmative were,*

Messrs. Allen, Berry, Cravens, Crawford, Defrees, Delevan, Emerson, Goodman, Hanna, Hatfield, Henton, Hunt, Kinnard, Logan,

Longshore, Miller, Saffer, Sleeth, Spann, Teegarden, and Washburn—21.

*Those who voted in the negative were,*

Messrs. Brugh, Dougherty, Dunn, Eddy, Holloway, Kendall, Knowlton, Marshall, McCarty, Niblack, Slack, Walker and Witherow—13.

So the bill was ordered to be engrossed.

The following standing committees were appointed by the President:

### ON TEMPERANCE,

Messrs. Milliken, Crawford, Holloway, McCarty, and Goodman.

### ON THE TRANSACTION OF COUNTY AND TOWNSHIP BUSINESS.

Messrs. Athon, Miller, Knowlton, Witherow, and Washburn.

### ON THE PRACTICE AND PLEADING OF COURTS OF JUSTICE, AND CRIMINAL LAWS OF THIS STATE,

Messrs. Emerson, Marshall, Hicks, Logan, and Witherow.

The following Senators were appointed a committee on the Agricultural and Geological survey of the State:

Messrs. Niblack, Miller, Cravens, Crawford, Reid, Hicks, Davis, Kinnard, Kendall, and Slack.

The following Senators were appointed a committee for districting the State for Supreme Judges:

Messrs. Turman, Saffer, Marshall, Hatfield, Hunt, Hickman, Hanna, Walker, Alexander, Longshore, Mickle, and Milliken.

Mr. Emerson moved to take from the table,

No. 10. A bill to amend article 7, chapter 45, of the Revised

Statutes of 1843, so as to give landlords the right to distrain for rent, where rent is received in kind.

Which motion prevailed.

Mr. McCarty offered the following amendment;

That the landlord shall have lien on the crop or crops raised on the ground, but not on any other property whatever; and in case Providential destructions of the crop or crops by extraordinary freshets or fire, no tenants shall be liable for any rent of land, the product of which may be so destroyed. Laborers shall have a lien on crops they have participated in raising, until he is paid his wages for the same, and his lien shall be of the same effect and force as the lien of landlord towards tenant.

When,

On motion of Mr. Emerson,

The bill and pending amendments were laid upon the table.

Mr. Dougherty moved to take from the table the petitions presented by him on the subject of abolishing the present license laws, and that the same be referred to the committee on Temperance;

Which motion prevailed.

Mr. Slack moved to take from the table Senate bill No. 23, and refer the same to the committee on County and Township business;

Which motion prevailed.

Mr. Dunn moved to take from the table House bill No. 5, and refer the same to the committee on the Judiciary;

Which motion prevailed.

On motion of Mr. Sleeth,

The Senate adjourned.

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THURSDAY MORNING,  
December 18, 1851. }

The Senate met.

The Journal of yesterday was read.

Mr. Hanna, from the committee on the Judiciary, submitted the following report:



MR. PRESIDENT :

The committee on the Judiciary to which was referred bill of the Senate No. 6, have had the same under consideration, and a majority of said committee have directed me to report the same back with amendments, upon the adoption of which they recommend its passage.

Insert after the word contracts in the third line of the first sections, the word "knowingly."

Insert after the word shall, and before the word employ, in the ninth line of the first section, the word "knowingly."

It is contended that the framers of the constitution intend, by the adoption of the 2d section of the 13th article, to make it obligatory upon every man, who employs a negro or mulatto, to first ascertain whether he was in the State at the time of the adoption of that instrument. In other words, that a man may be indicted and fined five hundred dollars, without having intentionally violated any law.

To give this clause the construction contended for as above, and enact this law in the terms proposed, will, in the opinion of a majority of your committee, be in violation of the plainest dictates of humanity, so far as that unfortunate class is concerned, who were in this State at the time of the adoption of the Constitution.

It is evident that not one of them, however industrious, could, under such a construction, obtain even the privilege of laboring for any person outside of the circle of his immediate personal acquaintance. If this rigid construction obtains, there is no telling what interpretation may be given to the following language used in the same sentence: "or otherwise encourage him to remain in the State."

What will amount to encouragement? Is it sufficient to prove that a man is an offender because he gave or sold a meal, which prevented starvation; or that he lodged and protected for a night, a man or woman, from the chilling blasts of such weather as we now enjoy. If this kind of construction prevails, it closes, to this class, the avenues to industrious pursuits, paralyses any efforts which they might be inclined to make to shake off the wretchedness, misery and degradation, which, it is charged, hangs over them. It shuts the door of those who might be inclined to aid that class already amongst us, for in relieving them they might, perchance, admit a trespasser without knowing it. Nevertheless, the penalty must attach.

If a man touch another accidentally, it is no offence against the law; but if such touching is done in a rude, insolent and angry manner, it is an offence. Why this difference? It is the intention with which the act is done that determines the matter. But it may be said that it is the policy of the State to get rid of that kind of population. Admitting that such was the feeling of the framers of our Constitution, it does not logically follow that they intended us,

by our construction of the fundamental law, to provide one particular mode, to-wit: by *stoning* them out.

It may be contended that the whole difficulty can be avoided by requiring such negro or mulatto, who was in the State on the first day of November, to procure something like a certificate to that effect, from some officer. Will this meet all cases that may arise?

Suppose a negro man and family in indigent circumstances, obtain such certificate, and attempt to pass to another part of the State, to better his condition, or where his labor will be more fully rewarded, and he should lose such certificate, are all men, among whom he may chance to fall, prohibited from employing him until he can again produce his evidence? Or in other words, are they in danger of the law by their giving him employment, although his circumstances may be desperate. Would it be the duty of those disposed to give him employment to first ascertain, of a surety, that he was within our borders on the first day of November, in the year 1851? Is it not better to say to those disposed to give him employment, "extend your hand, relieve the suffering, and the State will not require at your hands the 'five hundred dollars,' unless she can show that you *knew* that you were violating the law?"

Your committee have no disposition to avert, from the heads of those who knowingly violate the law, the extreme penalty of that law; but are only desirous, if this clause will bear two constructions, that the one which will best protect the rights of our citizens and most fully accord with the laws of humanity, shall be adopted, being fully convinced that such is the spirit of the Constitution, and the spirit of the age in which we live.

Mr. Slack moved to recommit the bill to the committee on the Judiciary, with the following instructions:

Amend the — section by striking out the word "knowingly," and add a section or sections to said act requiring all negroes and mulattoes who were residents of this State on the first day of November, 1851, to have their names, ages, and places of birth, registered in the clerk's office of any circuit court of this State, in a book to be provided for that purpose, at the expense of the county, to be entitled the Register of Negroes and Mulattoes.

That the clerk shall have power to hear evidence of said negro's or mulatto's residence, and upon satisfactory evidence being adduced, shall enter said names upon the Register, and give to the applicant a certificate to that effect, which shall be received as conclusive evidence of the fact of said negro or mulatto being a resident of the State of Indiana on the first day of November, 1851.

Amend further—

That the circuit courts be required to give this act especially in

charge to grand juries, and that conservators of the peace be required to strictly enforce the provisions of this act.

Mr. Emerson moved to postpone the further consideration of the subject until Monday next, and that the same be made the special order of the day for that day, at 2 o'clock, P. M.

Which motion prevailed.

The following message was received from the House by Mr. Sites, their clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House, under the 4th joint rule, has appointed Messrs. Lavery and Behm as a committee, on the part of the House, on Enrolled bills, and respectfully ask that a similar committee be appointed on the part of the Senate.

Which was reciprocated, and

Senators Turman and Holloway appointed said committee on part of the Senate.

Mr. Emerson gave notice that he would, on to-morrow or some subsequent day, move to so amend the rules as to abolish the Senate committee on Enrolled Bills.

Mr. Emerson, from a select committee, submitted the following report :

MR. PRESIDENT :

The select committee, to whom was referred a resolution requesting the clerk of the supreme court of this State to communicate the number of cases on the docket of said court on the 15th of November, 1846, and on the same day of each year subsequent to that time, and the number of new cases in each year, have had the same under consideration and have directed me to report it back to the Senate and recommend that it be laid on the table, and have also instructed me to report the accompanying resolution in lieu thereof and recommend its adoption.

*Resolved*, That the clerk of the supreme court be requested to furnish the Senate, at the earliest period practicable, the number of cases on the docket at each term of said court, and the number disposed of at each term since the May [term] 1850, and the number of new cases on the docket at each term of said court during the said period ;

Which report was concurred in.

Mr. Kinnard, from a select committee, submitted the following report:

MR. PRESIDENT:

The select committee to whom was referred the petition of Daniel F. Vandevender and others, for power to construct a levee along the banks of the Wabash river, have had the same under consideration and request me to return the same back to the Senate, and that it may be referred to the joint committee on Constitutional questions;

Which was concurred in.

Mr. Athon, from a select committee, submitted the following report:

MR. PRESIDENT:

The select committee to whom was referred a petition of sundry citizens of Clark county relative to changing the time of holding circuit courts in said court, have had the same under consideration and have directed me to report the accompanying bill and recommend its passage and ask to be discharged from the further consideration of the subject.

Which was concurred in, and the accompanying bill,

No. 30. A bill prescribing the time of holding the circuit courts in the second judicial circuit, fixing the length of the same, and conforming the business of said courts to the change herein made;

Was read a first time, and passed to a second reading.

Mr. Eddy offered the following resolution:

*Resolved*, That the committee on the Judiciary be instructed to examine into that part of the constitution that contemplates the creation of banks: and also the charter of the present State Bank, and report to the Senate at their earliest convenience, whether, in their opinion free Banks can be established by the present General Assembly, without violating the chartered rights of the said State Bank.

Which was adopted.

Mr. Niblack offered the following resolution:

*Resolved*, That the committee on the Judiciary be instructed to inquire whether the present General Assembly has power to amend, or to in any manner modify "an act to apportion Senators and Representatives for the next five years," approved February 13, 1851, so as to make the provisions of the same applicable to biennial sessions of the Legislature, instead of annual sessions as therein provided, or to amend or modify the same in any other manner whatsoever, and to report by bill or otherwise.

Which was adopted.

Mr. Longshore offered the following resolution:

*Resolved*, That the committee on the organization of Courts be instructed to inquire into the expediency of abolishing the present grand jury system, and to report by bill or otherwise.

Which was adopted.

Mr. Emerson offered the following resolution:

*Resolved*, That when a member is excused from serving on any standing committee, his place shall not be supplied by appointment, unless the committee shall be thereby reduced below the number five; in such case it shall be the duty of the President to supply a sufficient number of vacancies so as to retain five members on each committee. *Provided*, Nothing herein shall be so construed as to prevent the filling of any vacancy which may occur in the committee on Canals and Internal Improvements.

Which was adopted.

Mr. Secrest asked to be excused from serving on the committee on Federal Relations;

Which was granted.

Mr. Milliken moved to suspend the order of business;

Which motion prevailed.

Mr. Milliken offered the following resolution:

*Resolved*, That the committee on Finance be instructed to report a bill providing for the enclosure of the Tippecanoe battle ground;

Which was adopted.

## ORDERS OF THE DAY.

*Bills on their Third Reading.*

No. 25. A bill providing for the appointment of three commissioners to revise, simplify and abridge the rules of practice, pleadings and forms of the courts of justice, and to abolish the distinct forms of actions at law, and the distinction between law and equity.

Read a third time, and did not pass; ayes 18, noes 26.

*Those who voted in the affirmative were,*

Messrs. Alexander, Athon, Berry, Delevan, Emerson, Goodman, Hanna, Hatfield, Henton, Hunt, Kinnard, Logan, Miller, Milliken, Sleeth, Teegarden, Washburn, and Winstandley.

*Those who voted in the negative were,*

Messrs. Allen, Brugh, Cravens, Crawford, Dougherty, Dunn, Eddy, Hickman, Hicks, Holloway, James, Kendall, Knowlton, Longshore, Marshall, McCarty, Mickle, Niblack, Reid, Saffer, Secrest, Slack, Spann, Walker, Witherow, and Woods.

## BILLS ON THEIR SECOND READING.

Senate bill No. 28. A bill to protect railroads and the lives of passengers;

Was read a second time.

When,

On motion of Mr. Secrest,

It was referred to the committee on Practice and Pleadings of Courts of Justice and Criminal Law of the State.

Senate bill No. 27. A bill for the relief of persons who are likely to suffer by the destruction of the records and other writings of Clay county, and to provide for furnishing said county with tract-books, lists of canal lands, general and local laws, decisions of the supreme court, &c.;

Which was read a second time, when

Mr. Hanna offered the following amendment:

Add to 15th section, "and the journals of Senate and House, and journal and debates of the Convention of 1850."

And fill blank in said section with "the Secretary of State."

Which was adopted.

The bill as amended was ordered to be engrossed for a third reading.

Senate bill No. 29. A bill abolishing the distinction between actions at law and suits in equity, and the forms of all such actions and suits, designating the parties to an action; also abolishing all the forms of pleading heretofore existing, and prescribing a simple and uniform mode of pleading in courts of justice;

Was upon its second reading,

When,

On motion of Mr. Emerson,

It was referred to the committee on Practice and Pleadings of Courts of Justice, and Criminal Laws of the State.

Mr. Emerson moved that Mr. Slack be added to the committee on County and Township Business;

Which was agreed to.

The following message was received from the House of Representatives by Mr. Sites, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bills thereof:

No. 25. An act to provide for publishing the acts and joint resolutions of the General Assembly.

Also,

No. 33. An act to abolish the Tippecanoe and Marion courts of Common Pleas, to provide for the trial of causes pending therein, and to regulate all proceedings in reference to the records, judgments, orders and decrees thereof.

In which the concurrence of the Senate is respectfully requested.

Which was taken up, and the accompanying bills read severally a first time, and passed to a second reading.

Mr. Holloway asked to be excused from serving on the joint committee on Enrolled Bills;

Which was granted;

And Mr. Woods appointed in his stead.

Mr. Slack asked to be excused from serving on the committee for Districting the State for Supreme Judges;

Which was granted.

Mr. McCarty offered the following resolution :

*Resolved*, That the committee on Finance be instructed to inquire into the expediency of exempting from taxation railroad stocks that are acquired by the transfer of lands therefor, until such railroads shall be in working order, so as to earn dividends, or until the lands shall be sold for money, and that all stocks subject for taxation shall be taxed at their current cash value, without reference to the face of the share.

Which was not adopted.

The following message was received from the House of Representatives, by Mr. Sites, their clerk :

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed joint resolution of the Senate, without amendment :

No. 12. A joint resolution in favor and behalf of the Cuban prisoners condemned by Spanish authorities, and now in prison in Spain.

On motion by Mr. Hanna,

The Senate adjourned.

2 o'clock, P. M.

The Senate met.

Mr. Cravens moved to take from the table bill No. 10.

Which motion prevailed.

The question being on the indefinite postponement of the bill,

The ayes and noes were demanded by Messrs. Secrest and Slack.

*Those who voted in the affirmative were,*

Messrs. Allen, Athon, Berry, Brugh, Crawford, Davis, Dougherty, Emerson, Henton, Hicks, Holloway, Kendall, Kinnard, Knowlton, Longshore, Mickle, Secrest, Slack, Teegarden, Turman, Witherow, and Woods—22.

*Those who voted in the negative were,*

Messrs. Alexander, Cravens, Defrees, Delevan, Eddy, Goodman,



Hanna, Hunt, James, Logan, McCarty, Miller, Milliken, Niblack, Saffer, Sleeth, Spann, Walker, Washburn, and Winstandley—20.

So the bill was indefinitely postponed.

On motion by Mr. Niblack,

The Senate adjourned.

FRIDAY MORNING, }  
Dec. 19th, 1851. }

The Senate met.

The journal of yesterday was read.

Mr. Winstandley, from the committee on Corporations, made the following report:

MR. PRESIDENT:

The committee on Corporations, to whom was referred Senate bill No. 24, have had the same under consideration, and a majority of said committee have instructed me to report the same back to the Senate, and recommend its passage.

Which report was concurred in.

And the bill was read a second time.

When

On motion of Mr. Winstandley,

It was referred to the committee on the Judiciary.

Mr. Athon, from the committee on the Benevolent Institutions of the State, made the following report:

MR. PRESIDENT:

The standing committee on Benevolent Institutions, to whom was referred the memorial of Dr. James Mathews, of Clark county, have had the same under consideration, and have directed me to report that it is inexpedient to legislate upon the points contained in the petition of the memorialist, and ask to be discharged from the further consideration thereof.

Which was concurred in.

On motion by Mr. Slack,  
 The order of business was suspended,  
 Whereupon,  
 He submitted the following report from the committee on County and Township Business:

**MR. PRESIDENT:**

The committee on County and Township Business, to which was referred bill of the Senate No. 23, would report that they have had the same under consideration, and have requested me to report the same back without amendment, and ask its passage.

On motion by Mr. Winstandley,  
 The further consideration of the accompanying bill was postponed till Friday next, and made the special order of the day for two o'clock, P. M., of that day, and two hundred copies ordered to be printed.

Mr. Holloway moved that it be printed in the form of solid matter, and that each line be numbered.

Which motion was agreed to.

Mr. Reid, from the committee on constitutional questions, made the following report:

**MR. PRESIDENT:**

The joint committee on Constitutional Questions, to whom was referred a resolution of inquiry concerning the constitutionality of amending by special laws "private charters" and municipal corporations, have had the same under consideration, and have instructed me to make the following report to the Senate.

From a careful examination of the 11th article of the Constitution, as well as from the whole tenor of that instrument, the committee agreed that the General Assembly had no power to amend by special act, any private charter or corporation.

The said committee have instructed me further to report, that from an examination of the 4th section of the schedule of the Constitution, the Legislature has the power to modify or repeal all municipal incorporations, and that the same may be amended by special law, so as to modify or make the charter of the municipality then under amendment, to conform to the Constitution; but not to extend its powers or enlarge its privileges; these must be done by general laws.

Which was concurred in.

Mr. Reid, from the committee on Constitutional questions, made the following report :

MR. PRESIDENT :

The Joint committee on Constitutional Questions, to whom was referred the petition of Daniel F. Vandevender and others, asking for authority to construct a levee along the banks of the Wabash River, &c., have had the same under consideration, and have instructed me to report to the Senate that they have some doubt as to the constitutionality of the question as prayed for in the petition, and that they recommend its indefinite postponement.

Which was also concurred in.

Mr. Cravens, from the joint committee appointed to devise the best means for revising the laws, made the following report:

MR. PRESIDENT :

The joint committee to whom was referred a resolution upon the subject of submitting the best method to be adopted in the revision of the laws of the State, have had that subject under consideration, and have directed me to report that in the opinion of the committee, the laws embraced in the revision of 1843, and all other statute laws now in force in this State, be distributed to the appropriate committees having charge of the subject to which said laws respectively relate, and that said committees revise, alter, change or amend, as in the judgment of said committee seem proper, and report accordingly, which said reports shall, when so made, follow the usual course of legislation.

Which was concurred in.

Mr. Delevan offered the following resolution:

*Resolved*, That the committee on Finance be requested to inquire into the expediency of that portion of the Governor's message authorizing the State Treasurer to give notice to holders of State scrip to present the same for payment within a limited period, after which interest shall cease, and report by bill or otherwise.

Which was adopted.

Mr. Reid offered the following resolution:

*Resolved*, That the committee on Education be, and are hereby instructed to inquire and report whether the county seminaries, with

the seminary fund, is now under the charge and control of the trustees of common schools, or under whose care they remain.

Which resolution was adopted.

On motion by Mr. Cravens,

The resolution relative to taxing railroad stock, procured by transfer of land, was reconsidered.

The question being on the adoption of the resolution, the ayes and noes were demanded by Messrs. Berry and Hicks.

*Those who voted in the affirmative were,*

Messrs. Athon, Defrees, Dunn, Eddy, Henton, Holloway, Kendall, Knowlton, Marshall, Saffer, Teegarden, Turman, Walker, Winstandley, and Witherow—16.

*Those who voted in the negative were,*

Messrs. Alexander, Allen, Berry, Brugh, Cravens, Crawford, Davis, Delevan, Dougherty, Emerson, Goodman, Hanna, Hatfield, Hester, Hickman, Hicks, Hunt, Kinnard, Logan, Longshore, Mickle, Miller, Milliken, Niblack, Reid, Secrest, Slack, Sleeth, Spann, Washburn, and Woods—31.

So the resolution was not adopted.

#### BILLS INTRODUCED.

Mr. Dunn introduced,

No. 31. A bill to declare the meaning of section two hundred and thirty-two, of chapter twenty, of the Revised Statutes of 1843.

Which was read a first time and passed to a second reading.

On motion by Mr. Crawford,

Bill No. 17 was taken from the table and referred to the joint committee on Constitutional questions.

Mr. Milliken introduced,

No. 32. A bill to repeal the 153d, 154th, 155th, 156th, 157th and 158th sections of the 8th article of the 47th chapter, and the

98th section of the 4th article of the 48th chapter of the revised code of 1843, and authorizing the clerks of the circuit courts to issue executions on judgments of justices of the peace, instead of *scire facias* as by said section provided.

Which was read a first time and passed to a second reading.  
Mr. Dougherty introduced,

No. 33. A bill to prohibit the making distress for rent by warrant;

Which was read a first time and passed to a second reading.  
The President laid before the Senate the following communication from the Superintendent of the Indiana Institute for the education of the blind :

INDIANA INSTITUTE FOR THE EDUCATION OF THE BLIND, }  
Indianapolis, December 19, 1851.

*President of the Indiana Senate :*

SIR:—I beg leave to announce that, in compliance with a resolution of the House of Representatives, adopted on the 8th inst., there will be an exhibition of the progress of the pupils of our Institute, at the Masonic Hall this (Friday) evening, commencing at 7 o'clock precisely.

Tickets will be furnished to the members of the General Assembly for admittance of themselves and their friends.

Respectfully,

W. H. CHURCHMAN,  
*Superintendent.*

Which was,

On motion of Mr. Emerson,  
Laid on the table.

The President laid before the Senate the following communication from the clerk of the Supreme court :

CLERK'S OFFICE OF THE SUPREME COURT, }  
December 19, 1851. }

HON. JAMES H. LANE,

*President of the Senate:*

SIR:—The undersigned Clerk of the Supreme Court, in reply to the following resolution of the Senate, viz:

*Resolved*, That the Clerk of the Supreme Court be requested to furnish the Senate, at the earliest period practicable, the number of causes on the Docket at each term of said court, and the number disposed of at each term since the May term, 1850, and the number of new causes on the Docket at each term of said court during the said period:

States that there were on the Docket of said court at the commencement of the Nov. term 1850.....	560 causes.
There were filed at said term.....	141 new causes.
Making at the end of the term on Docket.....	701 causes.
Of these at that term were decided.....	144 “
On the Docket at the commencement of May term 1851, there were.....	557 “
There were filed at said term.....	131 new causes.
Making at the end of the term on Docket.....	688 causes.
Of these, at that term were decided.....	144 “
On the Docket at the commencement of Nov. term, 1851.....	544 “
There have been filed at said term.....	85 new causes.
Making on Docket now.....	629 causes.
Of these, at this term have been decided.....	98 “
Leaving at present undisposed of.....	531 “

About the usual proportion of causes have been filed and decided at the present term—it not yet having half expired.

Very respectfully, &c.,

H. P. COBURN,

*Clerk of Supreme Court.*

Which,

On motion,

Was laid upon the table.

The President laid before the Senate the following communication from the Auditor of State:

OFFICE OF AUDITOR OF STATE, }  
Indianapolis, Dec. 18, 1851. }

Hon. JAMES H. LANE,

*President of the Senate :*

SIR:—In compliance with the following resolution of the Senate, to-wit :

*Resolved*, That the Auditor of State be requested to communicate to the Senate :

1st. The number of acres of swamp lands in each of the several counties of this State, obtained by the grant from the United States, made under an act entitled "an act to enable the State of Arkansas and other States to reclaim swamp lands within their limits," approved Sept. 28, 1850.

2d. The amount audited and paid to county surveyors and other persons for surveys of said lands, by each of the several boards doing county business, in which said lands are situated ; and,

3d. The amount of moneys deposited in the several Land offices of the United States for said lands, and the number of acres covered by the applications accompanying said deposits of money.

I have the honor to submit the following statement of the number of acres of swamp lands selected by the several county surveyors, so far as they were reported unofficially to the Governor, and the amounts allowed and paid them for such services. As soon as information is received from the several Land offices, the remaining enquiries will be answered :

## STATEMENT OF SWAMP LANDS.

No. of Counties.	Counties.	SELECTED.		PAID SURVEYORS FOR SELECTING.	
		Acres.	$\frac{1}{100}$	Dollars.	Cts.
1	Adams,	1,900	40		
2	Allen,	17,809	54		
3	Bartholomew,	1,605			
4	Benton,				
5	Blackford,	1,155			
6	Boone,	4,670			
7	Brown,	2,040			
8	Carroll,				
9	Cass,	6,134			
10	Clark,				
11	Clay,	7,760			
12	Clinton,	1,448		59	30
13	Crawford,	600			
14	Daviess,	25,117			
15	Dearborn,				
16	Decatur,	767	86		
17	DeKalb,	6,786	11		
18	Delaware,				
19	Dubois,	5,895	76		
20	Eckhart,			221	35
21	Fayette,				
22	Floyd,				
23	Fountain,	320		13	65
24	Franklin,				
25	Fulton,	25,700		160	
26	Gibson,	46,697			
27	Grant,			78	95
28	Greene,	23,487	88		
29	Hamilton,			9	50
30	Hancock,				
31	Harrison,				
32	Hendricks,				
33	Henry,				
34	Howard,	5,547	26	92	
35	Huntington,	715			
36	Jackson,	23,264	09	178	
37	Jasper,			1,078	13
38	Jay,	2,158		138	
39	Jefferson,				
40	Jennings,	757	26		
41	Johnson,	160			
42	Knox,	28,710	15	171	25
43	Kosciusko,	30,223			
44	LaGrange,	7,919		167	
45	Lake,	111,400	15	585	50
46	LaForte,	82,772		199	
47	Lawrence,	879			
48	Madison,	5,947		165	
49	Marion,				
50	Marshall,	45,280			
51	Martin,	5,682		116	17
52	Miami,	376			
53	Monroe,	2,410		48	50
54	Montgomery,	160			
55	Morgan,	1,756			
56	Noble,	7,840		190	
57	Ohio,				
58	Orange,	600			
59	Owen,	108	50		
60	Parke,	1,914			
61	Perry,	298			
62	Pike,	16,602			
63	Porter,	55,205		402	
64	Posey,	7,175			
65	Pulaski,	122,394		840	50
66	Putnam,				
67	Randolph,				



## STATEMENT OF SWAMP LANDS—Continued.

No. of Committees.	Counties.	SELECTED.		PAID SURVEYORS FOR SELECTING.	
		Acres.	$\frac{1}{100}$	Dollars.	Cts.
68	Ripley, - - - - -	1,520		65	
69	Rush, - - - - -				
70	Scott, - - - - -			68	
71	Shelby, - - - - -				
72	Spencer, - - - - -	9,240			
73	Sullivan, - - - - -	10,405			
74	Starke, - - - - -	90,462		713	
75	Steuben, - - - - -	8,144	47		
76	St. Joseph, - - - - -	49,660			
77	Switzerland, - - - - -				
78	Tippecanoe, - - - - -	120			
79	Tipton, - - - - -			376	75
80	Union, - - - - -				
81	Vanderburgh, - - - - -				
82	Vernillion, - - - - -				
83	Vigo, - - - - -	4,222			
84	Wabash, - - - - -				
85	Warren, - - - - -				
86	Warrick, - - - - -	8,192		92	50
87	Washington, - - - - -				
88	Wayne, - - - - -				
89	Wells, - - - - -	2,425			
90	White, - - - - -	64,520			
91	Whitley, - - - - -	4,025	26		

This statement is imperfect, from the fact that the law did not require any official report to be made by the surveyors, to any of the departments; but under instructions from the Governor, they were enjoined to make them to the Register of the Land Office, in whose district the lands were situated. From the statement of the Registers, the total amount will not vary materially from the following:

In the Winamac District.....	884,097 acres.
In the Fort Wayne " .....	67,340 "
In the Vincennes " .....	195,269 "
In the Indianapolis " .....	35,000 "
In the Crawfordsville " .....	20,000 "
In the Jeffersonville " .....	25,000 "
Total.....	1,226,706 "
Deduct estimated entries made before confirmation of title, say...	26,706 "
Leaves a balance.....	1,200,000 acres.

The total expenses attending the selection of those lands, when the accounts are all audited, will amount to about \$15,000.

Respectfully,

E. W. H. ELLIS,

*Auditor of State.*

Which,

On motion of Mr. Eddy,

Was referred to the committee on Swamp Lands.

#### ORDERS OF THE DAY.

##### *Bills on their third reading.*

No. 27. A bill for the relief of persons who are likely to suffer by the destruction of the records and the writings of Clay county, and to provide for furnishing said county with tract-books, lists of canal lands, general and local laws, decisions of the supreme court, &c.;

Was read a third time.

When,

On motion of Mr. Mickle,

The bill was recommitted to the committee on the Judiciary, with the following instructions:

"Inquire into the propriety of making a general law upon the subject."

#### BILLS ON THEIR SECOND READING.

House bill No. 25. A bill to provide for the publishing the acts and joint resolutions of the General Assembly;

Was read a second time, and passed to a third reading.

Senate bill No. 30. A bill to prescribe the time of holding courts in the second judicial circuit;

Was read a second time, and ordered to be engrossed.

House bill No. 33. A bill to abolish the Tippecanoe and Marion Courts of Common Pleas, provide for the trial of causes pending therein, and to regulate all proceedings in reference to the records, judgments, orders and decrees thereof;

Was,

On motion of Mr. McCarty,

Referred to a select committee, composed of Messrs. McCarty, Odell, and Dougherty.  
Mr. Emerson offered the following resolution:

*Resolved*, That the Secretary of State be requested to communicate to the Senate a statement showing the number of votes given in each county in this State, for and against the 13th article of the constitution, for the exclusion and colonization of negroes and mulattoes, and the aggregate number given for and against the same.

Which was adopted.

Mr. Reid introduced,

No. 34. A joint resolution in favor of the Hungarian patriots.

Which was read a first time, and passed to a second reading.

Mr. Emerson asked to be excused from serving on the following committees—committee on Manufactures, committee on Printing, and the committee on Phraseology and Arrangement of Bills.

Granted.

Mr. Reid gave notice that he would on to-morrow, move to re-organize the joint committee on Phraseology.

Mr. Sleeth asked leave of absence for the committee on Benevolent Institutions, this evening.

Granted.

On motion by Mr. Emerson,

Mr. Woods was added to the committee on Corporations.

On motion by Mr. Knowlton,

The Senate adjourned.

2 o'clock, P. M.

The Senate met.

Mr. Hanna, from the committee on the Judiciary, made the following report:

MR. PRESIDENT:

The committee on the Judiciary, to whom was committed bill of the Senate No. 37, with instructions to inquire into the propriety of making a general law upon the subject of said bill, have had that subject under consideration, and a majority of said committee have

directed me to report that, in their opinion, a general law cannot be so framed as to meet the various circumstances which may arise hereafter in similar cases. They therefore recommend the passage of this bill.

The question being on the passage of the bill,

*Those who voted in the affirmative were,*

Messrs. Alexander, Brugh, Cravens, Defrees, Delevan, Eddy, Goodman, Hanna, Hatfield, Henton, Hester, Hickman, Hicks, Kendall, Kinnard, Knowlton, Longshore, Marshall, McCarty, Mickle, Miller, Milliken, Niblack, Reid, Saffer, Secrest, Slack, Sleeth, Spann, Turman, Walker, Washburn, and Witherow—33.

*Those who voted in the negative were,*

Messrs. Athon and Emerson.

So the bill passed.

Mr. Secrest moved that one hundred copies of bill No. 6, and amendments, and the report of the committee on the Judiciary, be printed for the use of the Senate.

Mr. Mickle moved a division of the question.

Mr. Sleeth moved to refer the whole subject to the committee on Printing.

Which motion was not agreed to.

Mr. Hanna moved to lay the motion to print on the table;

Whereupon

The ayes and noes were called for by Messrs. Secrest and Emerson.

*Those who voted in the affirmative were,*

Messrs. Athon, Berry, Cravens, Crawford, Goodman, Hanna, Hicks, Kinnard, Logan, Miller, and Winstandley—11.

*Those who voted in the negative were,*

Messrs. Alexander, Allen, Brugh, Davis, Defrees, Delevan, Dougherty, Dunn, Eddy, Emerson, Hatfield, Henton, Hester, Hickman, Holloway, Hunt, James, Kendall, Knowlton, Longshore, Marshall, McCarty, Mickle, Milliken, Niblack, Reid, Saffer, Secrest, Slack, Sleeth, Spann, Turman, Walker, Washburn, Witherow, and Woods—36.

So the motion to print was not laid on the table.

The question then being on printing the bill and amendments; it was decided in the affirmative.

The question then being on printing the report; it was also decided in the affirmative.

Mr. Reid from the joint committee on constitutional questions, made the following report:

MR. PRESIDENT:

The Joint committee on constitutional questions to whom was referred bill of the Senate No. 17 being a bill to change the name of a private corporation by special act; have had the same under consideration and request me to report the same back to the Senate as unconstitutional under the decision of the committee, that private charters cannot be amended by special act and that the same be indefinitely postponed.

On motion of Mr. Marshall,

The report was referred the committee on the Judiciary.

The following message was received from the House of Representatives by Mr. Sites their clerk.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bills thereof.

No. 6. An act to provide for the appointment of Commissioners to revise and simplify the practice and pleadings of courts of Justice. In which the concurrence of the Senate is respectfully requested. Which bill was read a first time and passed to a second reading.

Also the following message was received from the House of Representatives by Mr. Sites their clerk.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill and Joint resolution thereof.

No. 36. An act to authorize the Governor of this State to engage the services of a clerk to examine the maps and lists of swamp lands, granted by the general government to this State.

No. 6. A Joint resolution in regard to the distribution of the public lands.

In which the concurrence of the Senate is respectfully requested.

The accompanying bill and joint resolution were severally read a first time and passed to a second reading.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill of the Senate, without amendment:

No. 20. An act giving assessors longer time to file their official bonds and take the oath of office.

Also,

The following message was received from the House of Representatives by Mr. Sites their clerk.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following resolution:

*Resolved*, The Senate concurring, that the committee on Education, of the Senate and of the House, constitute a joint committee on Education, to whom the preparation of a revised school law shall be entrusted;

In which the concurrence of the Senate is respectfully requested.

Which resolution was concurred in on the part of the Senate.

Mr. McCarty, from a select committee, made the following report:

MR. PRESIDENT:

The select committee to whom was referred House bill No. 33, have had the subject under consideration and have instructed me to report the bill back to the Senate with one amendment, and after the adoption of which, they recommend its passage.

Amend by adding to section 2, the following:

Provided, however, That the judge of the Marrion court of com-

mon pleas, shall hold the next January term thereof for the purpose of finishing and closing all suits and business now pending therein;

Which was concurred in, and

The accompanying bill read a second time and ordered to be engrossed.

Mr. Defrees introduced

No 35. A bill authorizing a general banking law;

Which was read a first time and passed to a second reading.

Mr. Ried asked leave of absence, on account of sickness in his family, for one week;

Granted.

Mr. Eddy moved that the Senate adjourn till Monday next;

Which motion was not agreed to.

On motion by Mr. Mickle,

The Senate adjourned till the usual hour to-morrow morning.

SATURDAY MORNING, 9 o'clock, }  
December, 20, 1851. }

The Senate met.

The journal of yesterday was read.

The President laid before the Senate a communication from the Secretary of State;

Which,

On motion by Mr. Emerson,

Was laid upon the table.

Mr. Sleeth, from the committee on the Judiciary submitted the following report:

MR. PRESIDENT:

The committee on the Judiciary, to whom was referred resolution

of the Senate instructing said committee to inquire what changes, if any, of the existing laws of this State, relating to crimes and punishments, are necessary under the new Constitution, have had that subject under consideration, and have directed me to report the same back to the Senate, and recommend that it be referred to the committee on Pleading, Practice and Criminal Law.

Which was concurred in.

Mr. Niblack, from the committee on the Judiciary, submitted the following report :

MR. PRESIDENT :

The committee on the Judiciary, to whom was referred a resolution of the Senate—instructing them to inquire into the expediency of amending the present law organizing Grand Juries, so as to give them jurisdiction only in cases of felony, and only in those cases, when the party has been previously recognized to appear before the court; *provided*, his residence was within the county in which the offence is alleged to have been committed—have had the same under consideration, and have instructed me to report that, in their opinion, it is inexpedient to legislate upon the subject.

Which was concurred in.

Mr. Logan, from the committee on the Judiciary, submitted the following report :

MR. PRESIDENT :

The committee on the Judiciary, to whom was referred a resolution of the Senate—instructing them to inquire into the expediency of so changing the law, that wherever the grounds for which a change of venue has been granted shall cease to exist, upon that fact being made known to the clerk of the circuit court to which the change has been granted, he shall forthwith return all the papers, with a certified copy of the proceedings had in said court, to the clerk of the court from which the change of venue was granted; and report by bill or otherwise—have had the same under consideration, and have directed me to report that it is inexpedient to legislate upon the subject.

Which report was concurred in.

Mr. Logan, from the same committee, submitted the following report :



MR. PRESIDENT:

The committee on the Judiciary, to whom was referred a resolution of the Senate—instructing them to inquire whether the present General Assembly has power to amend, or to in any manner modify an act to apportion Senators and Representatives for the next five years, approved February 13, 1851, so as to make the provisions of the same applicable to biennial sessions of the Legislature, instead of annual sessions as therein provided, or to amend or to modify the same in any other manner whatsoever; and to report by bill or otherwise—have had the same under consideration, and have directed me to report that it is inexpedient to legislate upon the subject.

Which was concurred in.

Mr. Dunn, from the committee on the Judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the Judiciary, to whom was referred a resolution of the Senate—directing them to inquire into the expediency of allowing a higher rate of interest than six per cent. on contracts for money loaned, other than by banks or associated capital—have had the same under consideration, and have directed me to report that it is inexpedient to legislate upon the subject.

Which report was concurred in.

Mr. Knowlton offered the following resolution:

*Resolved*, That the committee on the Practice and Pleadings in Courts of Justice and on Criminal Laws, be instructed to inquire into the expediency of abolishing capital punishment, and report by bill or otherwise.

On the adoption of which,

The ayes and noes were demanded by Messrs. Berry and Goodman.

*Those who voted in the affirmative were,*

Messrs. Defrees, Delevan, Dunn, Goodman, Hanna, Hatfield, Hester, Hickman, Hicks, Holloway, Hunt, Kendall, Kinnard, Knowlton, Longshore, McCarty, Milliken, Niblack, Reid, Saffer, Secrest, Sleeth, Spann, Teegarden, Walker, Washburn, and Witherow—27.

*Those who voted in the negative were,*

Messrs. Alexander, Allen, Athon, Berry, Brugh, Cravens, Crawford, Davis, Eddy, Emerson, Henton, James, Logan, Marshall, Mickle, Miller, Slack, Winstandley, and Woods—19.

So the resolution was adopted.

Mr. Reid offered the following resolution :

*Resolved*, That the joint committee on Phraseology and Arrangement of Bills, be re-organized so that not more than three members on the part of the Senate constitute said committee, and that the House be respectfully requested to concur in this resolution and take such action thereon as will reduce said committee to seven members instead of sixteen, as it is now composed.

Which was adopted.

The same gentleman offered the following :

*Resolved*, That the President appoint a select committee of three to examine into and prescribe the powers and duties of the joint committee on Phraseology, &c., and report the same to the Senate :

Which was adopted.

#### ORDERS OF THE DAY.

Senate bill

No. 30. A bill prescribing the time of holding the circuit courts in the second judicial circuits, fixing the length of the respective terms in the same, and conforming the business of said courts to the change herein made ;

Was read a third time and passed.

Ayes—45.

*Those who voted in the affirmative were,*

Messrs. Alexander, Allen, Athon, Berry, Brugh, Cravens, Crawford, Davis, Defrees, Delevan, Dougherty, Dunn, Eddy, Emerson, Goodman, Hanna, Hatfield, Henton, Hester, Hickman, Holloway, Hunt, James, Kendall, Kinnard, Knowlton, Longshore, Marshall, McCarty, Mickle, Miller, Milliken, Niblack, Reid, Saffer, Secrest, Slack, Sleeth, Spann, Teegarden, Walker, Washburn, Winstandley, Witherow and Woods.

House bill

No. 25. A bill for publishing the acts and joint resolutions of the General Assembly,

Was read a third time, and passed.

Ayes, 34 ; nays, 11.

*Those who voted in the affirmative were,*

Messrs. Alexander, Allen, Athon, Brugh, Cravens, Crawford, Davis, Defrees, Dougherty, Dunn, Eddy, Emerson, Hatfield, Henton, Hester, Hickman, James, Kendall, Kinnard, Longshore, Marshall, McCarty, Miller, Milliken, Reid, Saffer, Secrest, Sleeth, Spann, Teegarden, Walker, Washburn, Winstandley, and Witherow.

*Those who voted in the negative were,*

Messrs. Berry, Goodman, Hanna, Hicks, Holloway, Hunt, Knowlton, Mickle, Niblack, Slack, and Woods.

House bill

No. 30. A bill to abolish the Tippecanoe and Marion county courts of common pleas, to provide for the trial of causes pending therein, and to regulate all proceedings in reference to the records, judgments, orders, and decrees thereof,

Was read a third time, and passed.

Ayes, 37 ; noes, 7.

*Those who voted in the affirmative were,*

Messrs. Alexander, Allen, Athon, Berry, Cravens, Crawford, Defrees, Delevan, Dougherty, Goodman, Hatfield, Henton, Hester, Hickman, Holloway, Hunt, James, Kendall, Kinnard, Knowlton, Logan, Longshore, Marshall, McCarty, Mickle, Miller, Milliken, Reid, Saffer, Secrest, Slack, Sleeth, Spann, Walker, Washburn, Winstandley, and Witherow.

*Those who voted in the negative were,*

Messrs. Dunn, Emerson, Hanna, Hicks, Niblack, Teegarden, and Woods.

#### BILLS ON THEIR SECOND READING.

Senate bill

No. 31. A bill to declare the meaning of section 232 of chapter 30 of the revised statutes of 1843,

Was read a second time,

When

On motion of Mr. Mickle,

The bill was referred to the committee on the Judiciary.

Senate bill No. 32. A bill to repeal the 153d, 154th, 155th, 156th, 157th and 158th sections of the 8th article, of the 47th chapter, and the 98th section, of the 4th article, of the 48th chapter, of the Revised Code of 1843, and authorize the clerks of the circuit courts to issue executions on judgments of justices of the peace, instead of *scire facias*, as by said section provided.

Which was on its second reading;

When,

On motion by Mr. Milliken,

It was referred to the committee on the Judiciary.

No. 33. A bill to prohibit the making distress for rent by warrants; was read a second time.

Mr. Miller moved to lay the bill on the table ;

When,

The ayes and noes were demanded by Messrs. Mickle and Berry.

*Those who voted in the affirmative were,*

Messrs. Alexander, Athon, Cravens, Delevan, Henton, Hester, Holloway, Hunt, James, Logan, Marshall, Miller, Niblack, Reid, Saffer, Teegarden, Turman, Walker, Washburn, Windstandley, and Woods—21.

*Those who voted in the negative were,*

Messrs. Allen, Berry, Brugh, Crawford, Defrees, Dougherty, Dunn, Davis, Eddy, Emerson, Goodman, Hatfield, Hickman, Hicks, Kendall, Kinnard, Knowlton, Mickle, Milliken, Secrest, Slack, Sleeth, Spann, and Witherow—24.

So the bill was not laid on the table.

Mr. Secrest moved to strike out the second section of the bill;

Which was agreed to.

Mr. Niblack moved to refer the bill to the committee on Pleading and Practice, of the courts of justice and criminal laws of the State.

Which motion was lost.

The question then being on the engrossment of the bill,

The ayes and noes were called for by Messrs. Mickle and Athon.

*Those who voted in the affirmative were,*

Messrs. Allen, Athon, Berry, Brugh, Crawford, Davis, Dougherty,

Dunn, Emerson, Hatfield, Henton, Hester, Hickman, Hunt, Kendall, Longshore, Mickle, Milliken, Niblack, Secrest, Slack, Spann, Turman, Washburn and Woods—25.

*Those who voted in the negative were,*

Messrs. Alexander, Cravens, Delevan, Eddy, Goodman, Hanna, Hicks, Holloway, James, Kinnard, Knowlton, Logan, Marshall, McCarty, Miller, Reid, Saffer, Sleeth, Teegarden, Walker, Winstanley and Witherow—22.

So the bill was ordered to be engrossed.

Joint resolution No. 34. A joint resolution in favor of the Hungarian patriots ;

Was read a second time ; when,

Mr. Emerson moved to amend by striking out the preamble.

Pending which,

Mr. Marshall moved to lay the joint resolution on the table.

Which motion was lost.

Mr. Secrest moved it be referred to the committee on Phraseology and Arrangement of bills.

Mr. Marshall moved to amend so as to refer to the committee on Federal Relations ;

Which amendment was accepted.

The question being on Mr. Secrest's motion, as amended,

It was decided in the negative.

The question then recurring on Mr. Emerson's motion to strike out the preamble,

It was also decided in the negative.

Pending the question on ordering the engrossment,

On motion by Mr. Hanna,

The Senate adjourned.

2 o'clock, P. M.

The Senate met.

The chair announced the following Senators a select committee to examine into and prescribe the powers and duties of the Joint committee on phraseology and arrangement of bills:

Messrs. Reid, Dunn and Secrest.

The subject under consideration at the adjournment was resumed.

Mr. Hanna offered the following amendment to the preamble.

AND WHEREAS, Russia by armed interference in behalf of Austria in the late Hungarian struggle, has established a precedent among despotic governments for the maintenance of the monarchies of Europe, in their present organization; it is not improper for the United States, the representative of republics, to at least express the liveliest sympathy for the people of other nations striving to throw off the yoke of despots, and the strongest hopes for their ultimate success.

Mr. Athon called for the previous question, which was seconded. The question being "shall the main question be now put," it was decided in the affirmative.

The question then being on the amendment, the said amendment was not adopted.

The question recurring on the engrossment, the ayes and noes were demanded by Messrs. Cravens and Reid.

*Those who voted in the affirmative were,*

Messrs. Alexander, Athon, Allen, Berry, Brugh, Cravens, Crawford, Davis, Defrees, Delevan, Dougherty, Eddy, Emerson, Goodman, Hanna, Hatfield, Henton, Hester, Hickman, Hicks, Hunt, James, Kinnard Knowlton, Logan, Longshore, McCarty, Mickle, Milliken, Niblack, Reid, Saffer, Secrest, Slack, Sleeth, Spann, Turman, Walker, Washburn, Winstandley and Witherow—41.

*Those who voted in the negative were,*

Messrs. Dunn, Holloway, Kendall, Marshall, Teegarden and Witherow—6.

So the Joint resolution was ordered to be engrossed.

Mr. Athon asked leave of absence for this evening for the committee on Education. Granted.

#### HOUSE BILL

No. 6. "A bill to provide for the appointment of commissioners to revise and simplify the practice and pleadings of courts of Justice;" was upon its second reading when Mr. Mickle moved it be referred to the committee on the organization of courts of Justice.

Which motion did not prevail.

Mr. Hanna offered the following amendment:

Strike out "five" and insert "three;"

Which was decided in the negative.

Mr. Secrest offered the following amendment :

Strike out "two dollars," and insert in lieu thereof "three dollars."

The ayes and noes being demanded by Messrs. Hanna and Dougherty,

*Those who voted in the affirmative were,*

Messrs. Alexander, Allen, Athon, Brugh, Davis, Eddy, Emerson, Hester, Hickman, Hunt, James, Longshore, Mickle, Niblack, Reid, Saffer, Secrest, Slack, Sleeth, Spann, Walker, and Winstandley—22.

*Those who voted in the negative were,*

Messrs. Berry, Cravens, Crawford, Defrees, Delevan, Dougherty, Dunn, Goodman, Hanna, Hatfield, Henton, Holloway, Kendall, Kinnard, Knowlton, Logan, Marshall, McCarty, Teegarden, Washburn and Witherow—21.

So the amendment was agreed to.

Mr. Spann offered the following amendment :

Strike out "five," and insert "four."

The ayes and noes being demanded by Messrs. Dougherty and Hanna,

*Those who voted in the affirmative were,*

Messrs. Alexander, Brugh, Crawford, Dougherty, Dunn, Goodman, Hatfield, Hester, Holloway, Hunt, Kinnard, Knowlton, Logan, Marshall, McCarty, Reid, Spann, Teegarden, Windstandley and Witherow—20.

*Those who voted in the negative were,*

Messrs. Allen, Berry, Cravens, Davis, Defrees, Delevan, Eddy, Emerson, Henton, Hickman, James, Kendall, Longshore, Mickle, Niblack, Secrest, Slack, Walker and Winstandley—19.

So the amendment was agreed to.

Mr. Brugh moved to reconsider the vote adopting the amendment.

Mr. Dunn moved a call of the Senate, which was ordered.  
The Secretary proceeded with the call,  
When,

On motion by Mr. Athon,

The further call was suspended.

The question being upon the reconsidering the vote on the adoption of the amendment.

It was decided in the negative.

So the bill was ordered to be engrossed for a third reading.

On motion by Mr. Milliken,

The Senate adjourned.

MONDAY MORNING, 9 o'clock, }  
December 22, 1851. }

Senate met.

The journal of Saturday was read.

Mr. Hunt presented a petition from the citizens of Hamilton, Madison and Delaware counties ;

Which

On motion,

Was referred to a select committee consisting of Messrs. Hunt, Logan, Goodman, Brugh, and Dougherty.

Mr. Winstandley from the committee on Finance submitted the following report:

MR. PRESIDENT :

The committee on Finance to whom was referred bill of the House No. 24, entitled "an act providing a remedy for the illegal reduction of the aggregate valuation of real estate in the several counties of this State," have had the bill under consideration and a majority of the committee directed me to report the bill back to the Senate with the following amendments, and when so amended, recommend its passage.

Amend :

1st. Strike out all after the enacting clause and insert the following :

That the Auditor of State be directed to address a circular to the



several county auditors, to ascertain the amount of reduction made by the boards of equalization of the respective counties, from the aggregate valuation of real estate as returned by the appraisers, and that the said Auditor of State shall have power to direct the auditor of any such county where reduction has been made, to re-instate upon the duplicate of taxes, the true valuation, which shall equal in amount, the aggregate of the original valuation, and said county auditors shall estimate the proper amount of State, county, and other taxes fairly chargeable thereon, and place the same on said duplicate. *Provided*, That the board of equalization of such county, at their June session, 1852, shall have power to equalize the valuation of the real estate of said county, in accordance with the provisions of laws.

2d. Strike out all after the word "whereas," in the preamble and insert as follows :

Information has been received that the boards of equalization in several of the counties of this State, at their September session, 1851, made a large reduction of the aggregate valuation of the real estate of their respective counties without authority, and in violation of law, thereby releasing the tax-payers of said counties from their equal and just portion of the public burdens ;

*And, whereas*, it is important that the taxes should be levied upon the aggregate valuation, as returned by the appraisers, it is the opinion of this Legislature that an emergency exists, and that this act should be in force from and after its publication.

SEC. 2. The treasurer of said county, in his annual settlement with the county auditor and with the Auditor of State, shall settle and account for all revenue collected on the duplicate as amended in the manner prescribed by law, and if any owner of said real estate shall neglect or refuse to pay the full amount of taxes due on the same, said property shall be returned as delinquent for said tax, and the same shall be collected as in case of other delinquencies: *Provided, however*, that when the owner is not informed of such increased tax, he shall not be liable for the usual penalty and interest.

SEC. 3. This act shall be published in the Indiana State Journal, the State Sentinel, and the Indiana Statesman.

Mr. Emerson moved to amend the amendment as follows:  
Strike out "June," and insert "March;"

Which was agreed to.

Mr. Emerson moved to indefinitely postpone the bill and pending amendments ;

Which motion did not prevail—ayes 14, noes 33.

The ayes and noes were demanded by Messrs. Winstandley and Delevan.

*Those who voted in the affirmative were,*

Messrs. Allen, Athon, Brugh, Delevan, Eddy, Emerson, Henton,

Hickman, Miller, Milliken, Niblack, Slack, Teegarden, and Walker.

*Those who voted in the negative were,*

Messrs. Alexander, Berry, Cravens, Crawford, Davis, Defrees, Dougherty, Dunn, Goodman, Hanna, Hatfield, Hester, Hicks, Holloway, Hunt, James, Kendall, Kinnard, Knowlton, Longshore, Marshall, McCarty, Mickle, Reid, Saffer, Secrest, Sleeth, Spann, Turman, Washburn, Winstandley, Witherow, and Woods.

Mr. Emerson offered the following amendment to the amendment:

Add the following proviso:

*Provided, however,* That it shall not be the duty of any auditor of any such county, nor shall he have power, to alter or amend the duplicate of his proper county, for the year one thousand eight hundred and fifty-one, in the manner pointed out in this section, but that the duplicate for said year shall remain unchanged, and the taxes for said year shall be collected and accounted for as charged on said duplicate.

Mr. Secrest moved to lay the amendment to the amendment on the table.

Which motion prevailed, ayes 31, noes 16.

The ayes and noes were demanded by Messrs. Emerson and Kendall.

*Those who voted in the affirmative were,*

Messrs. Alexander, Berry, Cravens, Crawford, Davis, Defrees, Dougherty, Dunn, Goodman, Hanna, Hatfield, Hicks, Holloway, Hunt, James, Kendall, Kinnard, Knowlton, Marshall, McCarty, Mickle, Reid, Saffer, Secrest, Sleeth, Spann, Turman, Washburn, Winstandley, Witherow, and Woods.

*Those who voted in the negative were,*

Messrs. Allen, Athon, Brugh, Delevan, Eddy, Emerson, Henton, Hester, Hickman, Longshore, Miller, Milliken, Niblack, Slack, Teegarden, and Walker.

Mr. Emerson offered the following amendment to the amendments reported by the committee:

Add the following proviso:

*Provided, however,* It shall not be the duty of the county auditor

in any county where reduction has been made as aforesaid, nor shall he have power to change the amount of taxes charged on the duplicate of his proper county, for county, township, school, or road purposes, for the year one thousand eight hundred and fifty-one; but for said year the taxes for said purposes shall remain and be collected as now charged on said duplicate.

Mr. Secrest moved to lay the amendment on the table.

Which motion prevailed, ayes 28, noes 15.

The yeas and nays were called for by Messrs. Emerson and Athon.

*Those who voted in the affirmative were,*

Messrs. Alexander, Cravens, Crawford, Dougherty, Dunn, Goodman, Hanna, Hatfield, Hicks, Hunt, Kendall, Kinnard, Knowlton, Longshore, Marshall, McCarty, Mickel, Miller, Reid, Saffer, Secrest, Sleeth, Spann, Turman, Washburn, Winstandley, Witherow and Woods.

*Those who voted in the negative were,*

Messrs. Allen, Athon, Berry, Brugh, Delevan, Eddy, Emerson, Henton, Hester, Hickman, Milliken, Niblack, Slack, Teegarden, and Walker.

The report of the committee as amended was then adopted.

The question being on the engrossment of the amendments, It was decided in the affirmative.

Mr. Turman, from the committee on the State Library, submitted the following report:

MR. PRESIDENT:

The committee on the State Library to whom was referred, by resolution, "so much of the Governor's message as relates to the field notes, maps, and other papers pertaining to the survey of the entire lands of the State," deem it inexpedient to legislate thereon, and ask to be discharged from any further consideration of the subject.

Which was concurred in.

The President appointed Messrs. Reid, Turman, and Defrees to serve on the part of the Senate, on the joint committee on Phraseology and Arrangement of Bills.

Mr. Slack, from a select committee, submitted the following report:

MR. PRESIDENT:

The select committee to which was referred the petition of the board of commissioners and others of the county of Wells, would report that they have had the same under consideration, and have requested me to report the same back with the accompanying bill, and request its passage.

The said committee would further report that it is inexpedient to legislate upon the subject of the delinquent tax sales as requested in said petition.

The accompanying bill,

No. 36. A bill for the relief of purchasers of school section No. 16, in township No. 26, north of range No. 12, east and describing the duty of county auditors thereto,

Was read a first time, and passed to a second reading.

Mr. Niblack moved to discharge the committee on Phraseology and Arrangement of Bills, from the consideration of the joint resolution relative to "American influence abroad, the Hungarian revolution, and Lewis Kossuth."

Which motion prevailed.

Mr. Mickle asked to be excused from serving on the following committees—on Corporations, on Manufactures, and on Federal Relations.

Which was granted.

Mr. Brugh offered the following resolution:

*Resolved*, That the committee on Corporations be directed and requested to report a general law on railroad charters, and the following two sections be copied in said laws:

SEC. 1. That said corporations shall have the right to receive, by purchase or by subscription of stock, any lands, hold and convey the same that may be necessary for the purposes of erecting depots, turnouts, workshops, warehouses, or for any other purposes necessary for the conveniences of said company, in order to transact the business usual for railroad companies.

SEC. 2. It may be lawful for the said corporations, by the consent of the directors of the same, to receive, by subscription for the capital stock of said company, under such regulations and restrictions as the board of directors may prescribe, any lands, town lots, real estate, or other description of property as may be offered for that purpose. *Provided, however*, That the same shall be sold, except so much as may be necessary for the use of said road or for

the purposes aforesaid, within a reasonable time, and the proceeds applied for the construction of said road or its appurtenances.

Which was adopted.

#### JOINT RESOLUTIONS.

Mr. Niblack introduced

No. 37. A joint resolution to repeal a joint resolution entitled a joint resolution on the subject of admitting slave territory, approved January 19, 1850;

Which was read a first time, and passed to a second reading.

On motion by Mr. McCarty,

The order of business was suspended;

When he offered the following resolution:

*Resolved*, That the House be requested to return to the Senate bill of the House No. 33, a bill to abolish the Tippecanoe and Marion court of common pleas, to provide for the trial of causes pending therein, and to regulate all proceedings in reference to the records, judgments, orders, and decrees thereof;

Which was adopted.

#### ORDERS OF THE DAY.

Senate bill

No. 33. A bill to prohibit the making distress for rent by warrant;

Which was read a third time.

Mr. Secrest moved a call of the Senate;

Which was ordered;

When,

On motion of Mr. Secrest,

The call of the Senate was suspended.

The question being on the passage of the bill,

It was decided in the affirmative.

Ayes, 26; noes, 20.

*Those who voted in the affirmative were,*

Messrs. Allen, Berry, Brugh, Crawford, Davis, Dougherty, Dunn, Emerson, Hatfield, Henton, Hester, Hickman, Hunt, Kendall, Long-

shore, Mickle, Milliken, Niblack, Secrest, Slack, Sleeth, Spann, Turman, Washburn, Witherow, and Woods.

*Those who voted in the negative, were,*

Messrs. Alexander, Athon, Cravens, Defrees, Delevan, Eddy, Goodman, Hanna, Hicks, Holloway, James, Kinnard, Logan, McCarty, Miller, Saffer, Teegarden, Walker, and Winstandley.

The following message was received from the House of Representatives by Mr. Sites their clerk.

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has reciprocated the resolution of the Senate that the joint committee on Phraseology and Arrangement of Bills be re-organized, and that Messrs. Miller, Bryant, Owen, and Crim, will constitute said committee on the part of the House.

No. 34. A joint resolution in favor of the Hungarian Patriots,  
Was read a third time and passed.  
Ayes, 43 ; noes, 4.

*Those who voted in the affirmative were,*

Messrs. Alexander, Allen, Athon, Berry, Brugh, Cravens, Crawford, Davis, Defrees, Delevan, Dougherty, Eddy, Emerson, Goodman, Hanna, Hatfield, Henton, Hester, Hickman, Hicks, Hunt, James, Kinnard, Knowlton, Logan, Longshore, McCarty, Mickle, Miller, Milliken, Niblack, Reid, Saffer, Secrest, Slack, Sleeth, Spann, Turman, Walker, Washburn, Winstandley, Witherow, and Woods.

*Those who voted in the negative were,*

Messrs. Dunn, Holloway, Marshall, and Teegarden.

House bill No. 6. A bill to provide for the appointment of commissioners to revise and simplify the practice and pleadings of courts of justice ;

Was read a third time, and passed—ayes 45, noes 3.

*Those who voted in the affirmative were,*

Messrs. Alexander, Allen, Athon, Berry, Brugh, Cravens, Crawford, Davis, Defrees, Delevan, Dougherty, Dunn, Eddy, Emerson, Goodman, Hatfield, Henton, Hester, Hickman, Hicks, Holloway, Hunt, James, Kinnard, Knowlton, Logan, Longshore, Marshall, McCarty, Mickle, Miller, Milliken, Reid, Saffer, Secrest, Slack, Sleeth, Spann, Turman, Walker, Washburn, Winstandley, Witherow, and Woods.

*Those who voted in the negative were,*

Messrs. Hanna, Niblack, and Teegarden.

#### BILLS ON SECOND READING.

House bill No. 36. A bill to authorize the Governor of this State to engage the services of a clerk to examine the maps and lists of swamp lands granted by the General Government to this State ;

Was read a second time.

When,

Mr. Holloway moved to strike out "three dollars" wherever it occurs in compensation of clerk and insert "two dollars" in lieu thereof.

On motion by Mr. Athon,

The amendment was laid on the table.

Mr. Emerson moved to strike out the word "December" and insert in lieu thereof the word "September ;"

Which amendment was adopted.

On motion of Mr. Holloway,

The bill and amendment was laid on the table.

#### JOINT RESOLUTION OF THE HOUSE.

No. 6. A joint resolution in regard to the distribution of the Public Lands ;

Was read a second time.

And,

On motion of Mr. Miller,

Laid on the table.

Senate bill No. 35. A bill to authorize a General Banking Law; Was upon its second reading.

When

On motion of Mr. Mickle,

It was referred to the committee on Banks.

Mr. Dunn offered the following resolution :

*Resolved*, That, the House of Representatives concurring, when the Senate adjourns on Tuesday the 23d inst., it will adjourn to meet again on Monday the 5th day of January, A. D. 1852.

Mr. Cravens moved to amend by striking out Tuesday and inserting Wednesday.

Mr. Milliken moved to lay the resolution and pending amendment upon the table;

Which motion prevailed—ayes 34, noes 12.

Messrs. Emerson and Milliken demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Alexander, Berry, Brugh, Crawford, Cravens, Defrees, Delevan, Eddy, Emerson, Goodman, Hanna, Hatfield, Henton, Hickman, Holloway, Hunt, Kinnard, Knowlton, Logan, Mickle, Miller, Milliken, Niblack, Reid, Secrest, Slack, Sleeth, Spann, Teegarden, Walker, Washburn, Winstandley, Witherow, and Woods.

*Those who voted in the negative were,*

Messrs. Allen, Athon, Dougherty, Dunn, Hester, Hicks, James, Kendall, Longshore, Marshall, Saffer, and Turman.

Mr. McCarty was excused from voting.

Mr. Defrees introduced

No. 38. A bill explanatory of an act entitled an act to increase and extend the benefits of common schools, approved January 17th, 1849, so far as relates to the county of Lagrange;

Which was read a first time, and passed to a second reading.

Mr. Emerson offered the following resolution :

*Resolved*, That the joint committee on Education be instructed to inquire and report whether, under the fifth clause of section 2 of article 8 of the Constitution, the General Assembly has the power to



grant away or dispose of estates escheating to the State for want of heirs, for any purpose other than that specified in said article.

Which was adopted.

On motion of Mr. Cravens,  
The Senate adjourned.

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2 o'clock, P. M.

The Senate met.

The special order of the day, it being Senate bill No. 6, a bill to enforce the provisions of article thirteen of the Constitution of Indiana and to punish by fine any person who shall employ any negro or mulatto;

Was taken up;

The question then being on recommitting with instructions, it was decided in the negative.

The following message was received from the House of Representatives, by Mr. Sites their clerk :

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following joint resolution of the Senate without amendment :

No. 22. A joint resolution relative to granting public lands to settlers.

Mr. Emerson moved to suspend the special order of the day ;  
Which was agreed to.

The following message was received from the House of Representatives, by Mr. Sites, their Clerk :

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has refused to concur in the first engrossed amendment of the Senate to engrossed bill of the House No. 6, "an act to provide for the appointment of Commissioners to revise and simplify the practice and pleadings of courts of justice," and has concurred in the second engrossed amendment to said bill.

Mr. Mickle moved to recede from the amendment of the Senate; Which motion did not prevail.

The ayes and nays were called for by Messrs. Alexander and Teegarden.

*Those who voted in the affirmative were,*

Messrs. Allen, Berry, Cravens, Davis, Defrees, Delevan, Eddy, Henton, Hickman, Kendall, Longshore, Marshall, McCarty, Mickle, Milliken, Niblack, Secrest, Slack, Sleeth, Turman, Walker, Washburn, and Woods—23.

*Those who voted in the negative were,*

Messrs. Allen, Athon, Brugh, Crawford, Dougherty, Dunn, Emerson, Goodman, Hatfield, Hester, Hicks, Holloway, Hunt, James, Kinnard, Knowlton, Logan, Miller, Reid, Saffer, Spann, Teegarden, Winstandley and Witherow—24.

Mr. Dunn asked leave to make a report from the committee on the Judiciary;

Which was granted.

Mr. Dunn then submitted the following report from the Judiciary committee:

**MR. PRESIDENT:**

The committee on the Judiciary to whom was referred House bill No. 5, entitled an act to authorize masters in chancery and Probate Judges to issue writs of habeas corpus and to try cases arising under such writs and to award injunctions and writs of ne exeat and providing their compensation for such services, together with sundry engrossed amendments of the Senate have had the same under consideration and instructed me to report the same back with an additional amendment for the action of the Senate, which additional section is as follows, to-wit:

**SEC. —.** And it is hereby made the duty of such Probate Judge, Master in Chancery, or Clerk of the Circuit Court, after he shall have heard and determined upon the matters of any bill or petition presented, for an injunction forthwith to file the same, with a statement of his proceedings thereon, under his own hand, in the office of the Clerk of the Circuit Court of the proper county where the same shall be docketed, as the causes, and become a part of the records of such Circuit Court; and such proceedings may afterwards be had thereon as though such proceedings had been in term time of said court, and from all decisions of any Judge in vacation, Masters

in Chancery, or Clerk of the Court, granting injunctions, or restraining order, any party feeling aggrieved thereby may appeal therefrom to the Supreme Court of this State, at any time before the close of the then next term of the Circuit Court of the county where said proceedings is pending, by filing with the clerk of said court, a bond with security to the acceptance of said court, in such reasonable amount as may be fixed by him as a penalty conditioned as other bonds in cases of appeal from the Circuit to the Supreme court;

Which was concurred in.

The question then being on the passage of the bill, it passed—ayes 32—noes 12.

*Those who voted in the affirmative were,*

Messrs. Alexander, Allen, Athon, Brugh, Cravens, Crawford, Delavan, Dougherty, Dunn, Emerson, Goodman, Hatfield, Henton, Hicks, Holloway, James, Kendall, Kinnard, Knowlton, Logan, Longshore, McCarty, Milliken, Niblack, Saffer, Secrest, Slack, Spann, Washburn, Winstandley, and Witherow.

*Those who voted in the negative were,*

Messrs. Berry, Defrees, Eddy, Hanna, Hickman, Hunt, Marshall, Mickle, Miller, Sleeth, Teegarden, and Walker.

Mr. Reid was excused from voting.

Mr. Dunn moved to amend the title as follows :

Add after the words "probate judges," the words "and clerks of the circuit court."

Also, after the words "ne exeat," insert "and regulating appeals in such cases."

Which were adopted.

Mr. Reid, from the select committee appointed to inquire into and prescribe the duties of the committee on Phraseology and Arrangement of Bills, submitted the following report :

**MR. PRESIDENT :**

The select committee, to whom was referred a resolution of the Senate, authorizing them to prescribe the duties and powers of the joint committee on Revision, Phraseology, and Arrangement of Bills, have had the same under consideration, and request me to report the following rules, duties and powers to the Senate, for the government of said committee, and to recommend their adoption :

1st. That on the third reading of all bills and joint resolutions, after the same has been engrossed, the engrossed bill or joint resolution, may be referred to this committee, who shall carefully examine the phraseology and arrangement of the same, and make such changes and alterations as will tend to express the true meaning and intent of the bill, &c., then under examination, without altering or changing the substance; and shall make such alteration and arrangement of sections as will place them in proper order in the bill or joint resolution.

2d. All alterations and amendments made by this committee shall be made on separate pages or sheets of paper, and not on the bill or joint resolution, and shall be reported to the Senate or House in which the same originated, subject to their adoption and concurrence.

3d. It shall be the duty of this committee to examine said bills, or joint resolutions when enrolled, and see that the amendments and alterations which have been made are properly inserted in the enrolled bills, before the same are reported to the Assembly.

All of which are submitted for the concurrence of the House.

Mr. Emerson moved to lay the report on the table;  
Which motion prevailed.

On motion of Mr. Teegarden,  
The Senate adjourned.

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TUESDAY MORNING, }  
December 23, 1851.

Senate met.

The Journal of yesterday was read.

Mr. Dunn, from the committee on the Judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the Judiciary, to whom was referred Senate bill No. 9, have the same under consideration and are of opinion that said bill should not pass, and have therefore instructed me to report the same back to the Senate with a recommendation that it be indefinitely postponed.

Mr. Slack moved to lay the report and bill on the table ;

Which motion was not agreed to.

The report was then concurred in.

Mr. Marshall asked that the committee on Banks be excused from further consideration of bill No. 35 ;

Which was agreed to.

On motion of Mr. Marshall,

Said bill was laid on the table, and two hundred copies ordered to be printed.

Mr. Emerson from the committee on Practice and Pleading of Courts of Justice and Criminal Law of the State, submitted the following report :

MR. PRESIDENT :

The committee on the practice and pleadings of courts of justice, and upon criminal law, to whom was referred bill of the Senate No. 28, entitled "a bill to protect railroads and the lives of passengers," have had the same under consideration, and have made one amendment thereto, and have directed me to report the same to the Senate, and upon the adoption of the amendment, to recommend its passage.

Strike out all after the enacting clause and insert the following :

That if any person or persons shall wilfully and maliciously set fire to any house, shop, wood-shed, water station, or other building situate or connected with any railroad in this State, or shall in like manner set fire to any bridge or any part of the structure of any such railroad, or to any work belonging to such road, either in wood sheds, ricks or piles, or otherwise placed on or near the line of said road, exceeding the value of forty dollars, every such person or persons shall be deemed guilty of arson, and upon conviction thereof be punished by confinement at hard labor in the State Prison for any term not less than two nor more than seven years.

SEC. 2. If any person or persons shall wilfully and maliciously place any obstruction upon the line or track of any railroad within this State, or change any switch or remove the fastenings thereof so as to endanger the passage of trains, or break or destroy, steal, take or carry away any lock or locks, guard or guards upon such switches, placed there to secure the safety of trains, or commit any other wrongful act, calculated and intended to throw the engine and cars running upon said railroad from the track thereof, every such person or persons shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by confinement at hard labor in the State Prison, for any term not less than one nor more than seven years; and shall further be liable to any railroad company thus trespassed upon for the full amount of damages done to the property of said company, or to any person or persons connected with or travelling upon any engine or train so impeded and injured

thereby, to be recovered in an action of debt in any court of competent jurisdiction : *Provided*, That if by any accident on any such road produced by, or resulting from any obstacle placed upon the road, the changing of any switch or other wilful or malicious interference with the track or structure of such road, any person or persons shall be killed, or so injured that death ensues as the immediate consequence of such injuries, the parties so convicted of placing the obstructions upon such road, changing any switches or otherwise interfering as aforesaid with the track or structure of said road, whereby the said accident occurred, shall be deemed guilty of murder in the second degree, and upon conviction thereof, shall be punished by confinement, at hard labor, in the State Prison during life.

SEC. 3. It shall be the duty of each railroad company, to put up a card or label in a conspicuous place, in each passenger car prohibiting passengers from standing upon the platforms of the cars while in motion ; and in such case any passenger or persons upon such trains who may be injured upon the platforms of the cars while in motion, or by any accident occurring from the running of such train or trains, shall not be entitled to recover of such railroad company, any damage whatever for such injury.

SEC. 4. If any person or persons shall put up for transportation upon any railroad or canal in this State, or shall direct the same to be done, or consent thereto, any powder in boxes, or conceal any kegs, canisters or other vessel containing powder, in boxes, barrels, or other packages, either unmarked as to contents, or marked untruly as to the same, or shall in like manner conceal or attempt to conceal the article usually termed lucifer matches, or any other dangerous or explosive substance, every party so offending, or directing or consenting thereto shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum, not less than fifty, nor more than one hundred dollars, to be recovered before any court of competent jurisdiction with costs of suit upon the complaint of the officers of the transportation company so imposed upon ; said fine to be paid over to the proper officer for the use of the common school fund ; and if any injury shall result to the property of any such transportation company from fire or explosion caused by any such article so concealed, falsely marked, or labelled or otherwise impose upon such company as herein prohibited ; any and every person so packing and marking such packages, or directing the same to be done, or consenting thereto, shall be liable to such transportation company for the full amount of the damages immediate and consequential so sustained, to be recovered in an action of debt before any court of competent jurisdiction with costs of suit, and if any explosion of any such concealed articles, or fire therefrom, any person or persons shall be killed, or so injured that death ensue as the result of such injuries, every party so offending or consenting as aforesaid, shall be deemed guilty of manslaughter.

ter, and upon conviction thereof, shall be punished by confinement at hard labor in the State Prison for not less than one nor more than seven years.

SEC. 5. If any person or persons shall fraudulently or falsely mark or label any box, barrel, hogshead, crate or other package or parcel other than those enumerated in the fourth section, as to the contents thereof, and present the same for transportation upon any rail road, canal or other transportation company in this State—said mark or label differing from the actual contents of such box, barrel, hogshead, crate, package or other parcel so presented, with intent thereby to defraud such Railroad or other transportation company of the whole or any part of its lawful rate of freight and charges thereon, every such person or persons shall be liable to such railroad or transportation company for double the amount of such freight and charges so sought to be evaded to be recovered with costs of suit in an action of debt before any court of competent jurisdiction. and such railroad or other transportation company shall be entitled to hold the custody of such articles so fraudulently marked or labelled, until the claim thereon be adjusted either by compromise or suit, and in case of recovery of judgment the same may be levied upon by the proper officers and sold without valuation or appraisement, to satisfy said judgment: *Provided*, That such settlement shall be made or suit commenced within twenty days from the discovery of such fraud.

SEC. 6. All suits for goods lost or damaged by, or injury sustained from any transportation company of this State except for damages for right of way and materials taken for construction, shall be commenced within one year from the time such loss or damage occurred or injury was sustained, and in default thereof the same shall be forever barred: *Provided*, This section shall not affect any suit now pending, or any existing claim for damages, loss or injury, but such suit shall be prosecuted as if this act had not been passed, and suits for existing claims not now or within one year barred by existing statutes shall be instituted within one year from the taking effect of this act, or be barred as above provided; and in all suits against any railroad canal or transportation company, the summons or other process may be served on any clerk of such company at any of their depots, or on the president thereof: *Provided, however*, That if the service is made on the clerk, it shall be made at least twenty days before the day set for trial.

SEC. 7. This act shall take effect and be in force from and after its publication and circulation in the several counties in the State.

Which was concurred in.

Mr. Reid moved to refer the bill to the committee on the Judiciary;

Which was not agreed to.

The bill was ordered to be engrossed.

Mr. Emerson from the same committee submitted the following report:

MR. PRESIDENT:

The committee on the Practice and Pleadings of Courts of Justice and Criminal Law, to whom a resolution of the Senate was referred, instructing said committee to inquire into the expediency of abolishing capital punishment have had the subject matter of said resolution under consideration and a majority of said committee have instructed me to report that legislation upon that subject is unnecessary and inexpedient.

Which was concurred in.

Mr. Reid moved to take from the table, the report of the select committee appointed to prescribe the duties and powers of the joint committee on Phraseology and Arrangement of Bills;

Which motion prevailed;

And the report was taken up and concurred in.

Mr. Holloway offered the following resolution:

*Resolved*, That all bills ordered by the Senate to be printed shall be printed in the form of solid matter, unless otherwise ordered by the Senate.

Which was adopted.

Mr. Miller offered the following resolution:

*Resolved*, That the committee on Finance be requested to inquire into the expediency of so amending the revenue law, that real estate belonging to resident tax payers, shall not be sold for taxes while the owner has sufficient property to pay the same;

Which was adopted.

Mr. Delevan offered the following resolution:

*Resolved*, That the committee on the Judiciary inquire into the expediency of giving to justices of the peace complete jurisdiction in all causes below felony, and report by bill or otherwise;

Which was adopted.

On motion of Mr. McCarty,

The order of business was suspended, and the following message of the House taken up:



MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has reciprocated the resolution of the Senate, and herewith return House bill No. 33, a bill to abolish the Tippecanoe and Marion Court of Common Pleas, to provide for the trial of causes pending therein, and to regulate all proceedings in reference to the records, judgments, orders and decrees thereof.

On motion of Mr. McCarty,

The vote on the passage of the bill was reconsidered.

On motion of Mr. Mickle,

The vote on authorizing the judge of the Court of Common Pleas for Marion co. to hold the January term thereof, was reconsidered.

Mr. Mickle moved to lay said amendment on the table;

Which motion prevailed.

Mr. Slack moved to amend by striking out all that relates to the Marion County Court of Common Pleas;

Which was agreed to.

On motion by Mr. Holloway,

House bill No. 36 was taken from the table, and ordered to be engrossed.

Mr. Sleeth introduced

No. 39. A bill providing for the change of railroad companies in this State;

Which was read a first time, and passed to a second reading.

Mr. Milliken moved to suspend the rules and read a second time now;

Which motion did not prevail—ayes 24, noes 20.

The ayes and noes were taken under the rule.

*Those who voted in the affirmative were,*

Messrs. Crawford, Defrees, Delevan, Dougherty, Dunn, Goodman, Hanna, Henton, Hester, Holloway, Hunt, Kendall, Knowlton, Logan, Marshall, McCarty, Milliken, Niblack, Saffer, Slack, Sleeth, Washburn, Winstandley, and Witherow—24.

*Those who voted in the negative were,*

Messrs. Alexander, Athon, Berry, Brugh, Cravens, Davis, Eddy, Emerson, Hatfield, Hickman, Hicks, James, Kinnard, Longshore, Mickle, Miller, Reid, Spann, Teegarden, and Walker—20.

Mr. Dunn moved to suspend the previous order of business ;  
Which motion prevailed.

Mr. Dunn offered the following resolution :

*Resolved*, That the committee on Education be instructed to inquire into the expediency of exempting from taxation all libraries, whether public or private, (except law and medical owned and used by professional men,) and that they report by bill or otherwise ;  
Which was adopted.

#### ORDERS OF THE DAY.

House bill No. 24, a bill providing a remedy for the illegal reduction of the aggregate valuation of real estate in the several counties of this State ;

Was read a third time and did not pass—ayes 23—noes 19.

*Those who voted in the affirmative were,*

Messrs. Alexander, Berry, Cravens, Crawford, Davis, Dunn, Goodman, Hicks, Holloway, Hunt, James, Kendall, Marshall, McCarty, Mickle, Miller, Reid, Saffer, Spann, Turman, Winstandley, Withers, and Woods.

*Those who voted in the negative, were,*

Messrs. Allen, Athon, Brugh, Defrees, Delevan, Eddy, Emerson, Hatfield, Henton, Hester, Hickman, Kinnard, Knowlton, Longshore, Milliken, Niblack, Slack, Walker, and Washburn.

The following message was received from the House of Representatives by Mr. Sites their clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill of the Senate without amendment :

No. 30. An act prescribing the time of holding the circuit courts in the second Judicial circuit, fixing the length of the respective terms in the same, and conforming the business of said courts to the changes herein made.

Also, joint resolution

No. 34. A joint resolution in favor of the Hungarian patriots.

Senate bill No. 6. A bill to enforce the provisions of article thirteen, of the constitution of Indiana, and to punish by fine any person who shall employ any negro or mulatto that shall have come into this State since the first day of November, A. D. 1851, or otherwise encourage any such person to come into or remain in this State, and to expend all fines collected for violating the provisions of said article of this act in the colonization of such negroes, mulattoes, and their descendants, as were in this State prior to the first day of November, 1851.

Was read a third time; and

The question was on the adoption of the amendment of the committee on the Judiciary;

When,

On motion by Mr. Defrees,  
The Senate adjourned.

2 o'clock, P. M.

The Senate met.

The consideration of the question pending at adjournment was resumed; when

Mr. Emerson moved to recommit the bill to the committee on the Judiciary, with the following instructions:

Recommit to committee on the Judiciary with instructions to add a section prescribing the mode of punishing negroes and mulattoes who shall come into the State contrary to the provisions of the first section of the 13th article of the constitution, and also fixing the kind and extent of punishment.

Mr. Defrees moved the previous question.

Which was seconded.

The question being, "shall the main question be now put?"

It was decided in the affirmative.

The question being on recommitting with instructions,

It was decided in the negative—ayes 21, noes 25.

*Those who voted in the affirmative were,*

Messrs. Alexander, Athon, Berry, Brugh, Crawford, Davis, Emerson, Hanna, Hatfield, Hester, James, Kinnard, Mickle, Niblack, Slack, Sleeth, Spann, Turman, Washburn, Witherow, and Woods.

*Those who voted in the negative were,*

Messrs. Cravens, Defrees, Delevan, Dougherty, Dunn, Eddy, Goodman, Henton, Hickman, Hicks, Holloway, Hunt, Kendall, Knowlton, Logan, Longshore, Marshall, McCarty, Miller, Milliken, Reid, Saffer, Teegarden, Walker, and Winstandley.

The question then being on the adoption of the amendment of the committee on the Judiciary,

It was decided in the negative—ayes 21, noes 25.

The ayes and noes were demanded by Messrs. Milliken and Cravens.

*Those who voted in the affirmative were,*

Messrs. Defrees, Dougherty, Dunn, Eddy, Goodman, Hanna, Hickman, Holloway, Kendall, Kinnard, Knowlton, Logan, Longshore, Marshall, McCarty, Miller, Milliken, Reid, Saffer, Teegarden, and Winstandley.

*Those who voted in the negative were,*

Messrs. Alexander, Athon, Berry, Bugh, Cravens, Crawford, Davis, Delevan, Emerson, Hatfield, Henton, Hester, Hicks, Hunt, James, Mickle, Niblack, Slack, Sleeth, Spann, Turman, Walker, Washburn, Witherow, and Woods.

The question being on the engrossment thereof,

It was decided in the affirmative—ayes 30, noes 16.

The ayes and noes were demanded by Messrs. Athon and Milliken.

*Those who voted in the affirmative were,*

Messrs. Alexander, Athon, Berry, Brugh, Cravens, Crawford, Davis, Delevan, Dougherty, Eddy, Emerson, Goodman, Hatfield, Hester, Hicks, Hunt, James, Kinnard, Knowlton, Logan, Mickle, Miller, Niblack, Sleeth, Spann, Turman, Walker, Washburn, Witherow, and Woods.

*Those who voted in the negative were,*

Messrs. Defrees, Dunn, Hanna, Henton, Hickman, Holloway, Kendall, Longshore, Marshall, McCarty, Milliken, Reid, Slack, Teegarden, Winstandley and Woods.

Mr. Athon asked leave of absence for the committee on Education.

Which was granted.

Mr. Emerson moved to suspend the previous order of business, and take up the following message from the House of Representatives:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House insists on their disagreement to the first engrossed amendment to engrossed bill of the House No. 6. An act to provide for the appointment of commissioners to revise and simplify the practice and pleadings of courts of justice; and that Messrs. Owen and Bryant have been appointed a committee of conference on the part of the House.

Mr. Emerson moved to insist.

Which motion prevailed, ayes 25, noes 18.

The ayes and noes were demanded by Messrs. Reid and Dunn.

*Those who voted in the affirmative were,*

Messrs. Alexander, Brugh, Defrees, Dunn, Eddy, Emerson, Goodman, Hatfield, Henton, Hester, Hickman, Hicks, Holloway, Hunt, James, Knowlton, Logan, Marshall, Miller, Slack, Sleeth, Spann, Teegarden, Winstandley, and Woods.

*Those who voted in the negative were,*

Messrs. Athon, Berry, Cravens, Crawford, Delevan, Dougherty, Kendall, Kinard, McCarty, Mickle, Milliken, Niblack, Reid, Safer, Turman, Walker, Washburn, and Woods.

On motion by Mr. Mickle,

A committee of free conference was appointed on the part of the Senate.

Messrs. Mickle and Miller were appointed said committee.

The following message was received from the House of Representatives by Mr. Sites their clerk.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following joint resolution thereof: No. 5. Joint resolution in relation to mistakes in the purchase of lands in the State of Indiana.

In which the concurrence of the Senate is respectfully requested.

The accompanying joint resolution was read a first time and passed to a second reading.

The following message was received from the House of Representatives by Mr. Sites their clerk.

**MR. PRESIDENT:**

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill of the House:

No. 42. An act authorizing railroad companies to borrow money and to secure the re-payment thereof by mortgage.

In which the concurrence of the Senate is respectfully requested.

Which bill was read the first time and passed to a second reading.

On motion by Mr. Eddy,

Leave of absence was granted to Mr. Defrees, on account of sickness in his family.

Leave of absence granted to Messrs. Secrest, Hunt and Mr. Patterson, the door-keeper.

The following message was received from the House of Representatives, by Mr. Sites, their Clerk:

**MR. PRESIDENT:**

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bills thereof:

No. 17. A bill to provide for the appointment of a Reporter, and the speedy publication of the decisions of the Supreme Court.

No. 49. A bill to amend the tenth and eleventh sections of article 2, of chapter 12, of part 1 of the revised statutes of 1843, on the subject of enlisting property for taxation.

No. 31. A bill to regulate visiting the Indiana Hospital for the Insane.

No. 28. A bill to repeal the eleventh, twelfth and thirteenth sections of an act to amend an act entitled "an act to amend the act entitled an act to incorporate the city of Fort Wayne," and all acts and parts of acts amendatory thereto.

In which the concurrence of the Senate is respectfully requested.

One of which bills, No. 49, was taken up and read a first time and passed to a second reading.

On motion by Mr. Berry,

The Senate adjourned.

WEDNESDAY MORNING, }  
December 24, 1851. }

The Senate met.

The journal of yesterday was read.

Hon. John W. Odell, from the county of Tippecanoe, appeared, was sworn to support the Constitution and took his seat.

Mr. Mickle offered the following resolution :

*Resolved*, That the Senate will hold no session on Thursday, Friday and Saturday next.

Mr. Berry moved to strike out Friday and Saturday ;

Which motion did not prevail—ayes 16, noes 20.

The ayes and noes were called for by Messrs. Berry and Emerson.

*Those who voted in the affirmative were,*

Messrs. Alexander, Berry, Brugh, Emerson, Goodman, Hanna, Henton, Hickman, Holloway, Kinnard, Miller, Odell, Saffer, Spann, Winstandley, and Woods.

*Those who voted in the negative were,*

Messrs. Cravens, Delevan, Dougherty, Eddy, Hester, Hicks, James, Kendall, Knowlton, Marshall, McCarty, Mickle, Milliken, Niblack, Slack, Sleeth, Teegarden, Walker, and Washburn.

The question then being on the adoption of the resolution.

It was adopted—ayes 21, noes 15.

The ayes and noes were demanded by Messrs. Berry and Emerson.

*Those who voted in the affirmative were,*

Messrs. Cravens, Delevan, Dougherty, Eddy, Hatfield, Hester, Hicks, James, Kendall, Knowlton, Marshall, McCarty, Mickle, Milliken, Niblack, Odell, Saffer, Sleeth, Teegarden, Walker, Washburn, and Woods.

*Those who voted in the negative were,*

Messrs. Alexander, Berry, Brugh, Emerson, Goodman, Hanna,

Henton, Hickman, Holloway, Kinnard, Miller, Slack, Spann, Winstandley, and Witherow.

Mr. Milliken offered the following resolution :

*Resolved*, That the committee on Finance be instructed to bring in a bill making an annual appropriation of five thousand dollars for colonization purposes.

On motion by Mr. Mickle,

The resolution was unanimously laid on the table.

Leave of absence was asked by Mr. Cravens for Mr. Crawford ; granted.

Mr. Cravens moved to adjourn.

Which was not agreed to.

#### ORDERS OF THE DAY.

#### *Bills on their Third Reading.*

House bill No. 36. A bill to authorize the Governor of this State to engage the services of a clerk to examine the maps and lists of swamp lands granted by the General Government to this State ;

Was read a third time ; when

Mr. Emerson moved to amend as follows :

*First.* After the word "services," in the tenth line of the first section, insert these words : "any sum not exceeding the."

*Second.* Add to the end of the first section these words : "to be determined by the Governor."

The question being on the passage of the bill,

It passed—ayes 35, noes 1.

*Those who voted in the affirmative were,*

Messrs. Alexander, Athon, Brugh, Cravens, Delevan, Dougherty, Eddy, Emerson, Goodman, Hatfield, Henton, Hester, Hickman, Hicks, Holloway, James, Kendall, Kinnard, Knowlton, Marshall, McCarty, Mickle, Miller, Milliken, Niblack, Odell, Saffier, Slack, Sleeth, Spann, Teegarden, Walker, Washburn, Winstandley, and Woods.

Mr. Berry voted in the negative.

House bill No. 33. A bill to abolish the Tippecanoe and Marion



county courts of common pleas, provide for the trial of causes pending therein, and regulate all proceedings in reference to the records, judgments, orders and decrees thereof;

Was read a third time and passed—ayes 35.

*Those who voted in the affirmative were,*

Messrs. Alexander, Athon, Berry, Brugh, Cravens, Delevan, Eddy, Emerson, Goodman, Hatfield, Henton, Hester, Hickman, Hicks, Holloway, James, Kendall, Kinnard, Knowlton, Marshall, McCarty, Mickle, Miller, Milliken, Niblack, Odell, Saffler, Slack, Sleeth, Spann, Teegarden, Walker, Washburn, Winstandley and Woods.

Mr. Mickle moved to amend the title by striking out all relative to Marion county court of common pleas.

Which was agreed to.

Mr. Emerson moved to reconsider the vote on the title of bill No. 36;

Which motion prevailed.

Mr. Emerson then moved to amend as follows :

Add the following words: "and fixing the compensation of said clerk."

Which was adopted.

Senate bill No. 6. A bill to enforce the provisions of article 13, of the constitution of Indiana,

Was upon its third reading; when,

On motion by Mr. Mickle,

It was laid on the table.

Senate bill No. 28. A bill to protect railroads and the lives of passengers;

Was read a third time and passed—ayes 30, noes 7.

*Those who voted in the affirmative were,*

Messrs. Athon, Brugh, Cravens, Delevan, Emerson, Goodman, Henton, Hickman, Hicks, Holloway, James, Kendall, Kinnard, Knowlton, Logan, Marshall, McCarty, Mickle, Miller, Milliken, Niblack, Odell, Saffler, Slack, Sleeth, Spann, Walker, Washburn, Winstandley, and Woods.

*Those who voted in the negative were,*

Messrs. Alexander, Berry, Eddy, Hanna, Hatfield, Hester and Teegarden.

## BILLS ON THEIR SECOND READING.

No. 39. A bill to provide for the change of the titles of railroad companies in this State ;

Was read a third time ; when

Mr. Sleeth offered the following amendment :

Amend by adding the following section :

SEC. 3. That whenever any Railroad Company shall alter or change its corporate name, and file the same in the office of the Secretary of State ; according to the provisions of this act, it shall be the duty of said Secretary of State, to immediately inform the Governor thereof, whose duty it shall be to give proclamation of such change for three successive weeks in some weekly newspaper published at Indianapolis, the expense of said publication to be paid by said company.

Also, amend by striking out the figure "3" in the third section, and insert in lieu thereof the figure "4."

Which amendment was adopted.

Mr. Marshall moved to further amend the bill by inserting after the word "road" in first section, the words "plank or McAdamized road or other incorporated companies ;"

Which was agreed to.

The bill as amended was then ordered to be engrossed.

No. 36. A bill for the relief of purchasers of school section No. 16 in township No. 26 north of range No. 12 east, and describing the duty of County Auditors thereto ;

Was read a second time, and ordered to be engrossed.

No. 37. A joint resolution to repeal a joint resolution entitled, "A joint resolution on the subject of admitting slave territory," approved January 19, 1850 ;

Was upon its second reading, when

On motion of Mr. Mickle,

It was referred to the committee on Federal Relations.

No. 38. A bill explanatory of an act entitled, "an act to increase and extend the benefits of common schools," approved January 17, 1849, so far as relates to the county of Lagrange ;

Was read a second time, and,

On motion by Mr. Athon,

Was referred to the committee on Education.

House bill,

No. 42. A bill authorizing Railroad Companies to borrow money, and to secure the repayment thereof by mortgage;

Was read a third time, and,

On motion by Mr. Henton,

Referred to the committee on Corporations.

House bill,

No. 49. A bill to amend the 10th and 11th sections of article 2, of chapter 12, of part 1, of the Revised Statutes of 1843, on the subject of enlisting property for taxation;

Was read a second time, and,

On motion by Mr. Emerson,

Referred to the committee on Finance.

House joint resolution,

No. 5. A joint resolution in relation to mistakes in the purchase of lands in the State of Indiana;

Was read a second time, and,

On motion by Mr. Emerson,

Referred to the committee on the Judiciary.

House bill,

No. 17. A bill to provide for a reporter and the speedy publication of the decisions of the Supreme court;

Was read a second time, and ordered to be engrossed for a third reading.

#### BILLS ON THEIR FIRST READING.

House bill,

No. 28. A bill to repeal the 11th, 12th and 13th sections of an act to amend an act entitled "An act to amend the act entitled an act to incorporate the city of Fort Wayne," and all acts and parts of acts amendatory thereto;

Was read a first time and passed to a second reading.

House bill No. 31. A bill to regulate visiting the Indiana Hospital for the Insane;

Was read a first time and passed to a second reading.

Mr. Emerson introduced,

No. 40. A bill providing for the election of township assessors, the taking and approval of their bonds, taking the oath of office, prescribing the mode of assessing personal property, fixing the compensation of assessors, and repealing all acts or parts of acts conflicting with this act;

Was read a first time and passed to a second reading.

On motion by Mr. Teegarden,

The Senate adjourned.

2 o'clock, P. M.

The Senate met.

The President, Hon. James H. Lane, being absent,

On motion by Mr. Holloway,

Mr. Mickle was called to the chair.

On motion by Mr. Slack,

The Senate adjourned.

MONDAY MORNING, 9 o'clock, }  
December 29, 1851. }

Senate met.

Hon. James H. Lane being absent,

On motion by Mr. Cravens,

Mr. Saffier was called to the chair.

On motion by Mr. Mickle,

A call of the Senate was ordered.

A quorum not being present,

On motion by Mr. Mickle,

The Senate adjourned till to-morrow morning, 9 o'clock.

TUESDAY MORNING, }  
December 30, 1851. }

The Senate met.

The President, Hon. James H. Lane, being absent,

On motion of Mr. Slack,

Mr. Cravens was called to the chair.

On motion of Mr. Slack,

A call of the Senate was ordered.

Mr. Sleeth moved to suspend a further call of the Senate,

Which was agreed to.

Mr. Slack moved to adjourn,

Which motion was not agreed to.

Mr. Miller moved a further call of the Senate,

Which was ordered.

On motion,

The absentees were sent for.

On motion by Mr. Saffer,

The call was renewed.

Mr. Holloway presented a petition on the subject of common schools, from members of the society of Friends, and moved its reference to the committee on Education.

Which was agreed to.

Mr. Mickle presented the petition of sundry citizens and ladies of Adams county, asking the repeal of all license laws for the retail of intoxicating liquors.

Which was read; and,

On motion by Mr. Mickle,

Referred to the committee on Temperance.

Mr. Reid, from the committee on the Judiciary, made the following report:

MR. PRESIDENT:

The committee on the Judiciary, to whom was referred the resolution of the Senate, requesting said committee to examine the charter of the present State Bank, and report whether, in their opinion, free banks can be established without violating the chartered rights of the said State Bank, have had the same under consideration, and a majority thereof have requested me to report that, in their opinion, free banks may be established without violating the chartered rights of the present State Bank.

Which was concurred in.

Mr. Niblack introduced,

Joint resolution No. 41. A joint resolution in relation to Smith O'Brien, Thomas F. Meagher, John Mitchell, and their immediate associates;

Which was read a first time and passed to a second reading.

#### ORDERS OF THE DAY.

Mr. Mickle moved to take from the table Senate bill No. 6;

Which motion prevailed.

Mr. Slack moved to refer the same to a select committee of five senators, with the following instructions:

Strike out from the enacting clause and insert the following:

"That all contracts which are made with any negro or mulatto who was not a resident of this State on the first day of November, 1851, shall be, and the same are hereby declared absolutely null and void, and no action shall be maintained thereon.

Sec. 2. Any person who shall employ any negro or mulatto who was not known to him at the time of such employment, to be a resident of the State of Indiana, on the first day of November, 1851; or otherwise encourage him to remain in the State, shall, upon presentment or indictment by the proper court, be fined in any sum, not less than ten dollars, nor exceeding five hundred dollars."

Sec. 3. It shall be the duty of the clerks of the circuit courts in each county in this State, to provide a record to be kept in their respective offices, in which shall be entered in a proper column, the names, ages, and places of birth, of every negro or mulatto who was a resident of this State on the first of November 1851, and also those who have been born since said first day of November, and also those who may hereafter be born.

Sec. 4. It shall be the duty of said clerk to hear and receive evidence of the fact of said negro's and mulatto's residence, and he is hereby authorized to administer all necessary oaths and affirmations, and whenever satisfactory evidence is adduced that said negro or mulatto was a resident, as in the above section specified, he shall enter his name in the register and give to each person thus registered a certificate thereof attested by the seal of said court, which shall be received in evidence in all courts of justice within this State, and shall be *prima facie* evidence of the truth of the facts therein stated, for which registry and certificate the clerk shall receive the sum of twenty-five cents, to be paid out of the county treasury.

Sec. 5. It shall be the duty of the judges of the supreme, circuit, and probate courts, and justices of the peace, to take cognizance of all cases of a violation of a provision of this act, and upon affidavit being filed, shall issue a warrant for the arrest of all persons who are charged with being guilty of a violation of the provisions hereof.

Sec. 6. It shall be the duty of the officer before whom said writ is returned to inquire into said complaint, and upon the facts appearing substantially true as charged in the affidavit, shall require the defendant or defendants to enter into a recognizance with sufficient security for his or their appearance at the next term of the circuit court, and in default thereof shall commit the defendant or defendants to the jail of the proper county.

Sec. 7. It shall be the duty of all persons exercising judicial powers, and all sheriffs and constables to arrest and prosecute all

persons who violate the provisions of this act, and it shall be the duty of all courts in which a grand jury is empanelled to give this act specially in charge.

SEC. 8. That all fines and forfeitures which shall be collected in pursuance to the provisions of this act, shall, by the officer collecting the same, be paid into the county treasury, to be by the treasurer paid into the State Treasury at the time said county treasurer makes his annual settlement with the State Treasurer, to be expended by the Governor, Auditor, and Secretary of State, in the colonization of such negroes and mulattoes and their descendants which were in the State prior to the 1st day of November, 1851, and the said Auditor of State shall, from time to time, report to the General Assembly the amount collected and expended under the provisions of this act.

Mr. Secrest offered the following amendment to the instructions:

Insert a section making it a penal offence for any negro or mulattoe to come into or settle in this State.

The question being on the adoption thereof,

It was adopted, ayes 21, noes 14.

The ayes and noes were demanded by Messrs. Secrest and Slack:

*Those who voted in the affirmative were,*

Messrs. Alexander, Athon, Berry, Brugh, Cravens, Delevan, Hanna, Hatfield, Hester, Hunt, James, Kinnard, Mickle, Miller, Niblack, Secrest, Slack, Sleeth, Spann, Washburn, and Woods:

*Those who voted in the negative were,*

Messrs. Dawson, Dougherty, Goodman, Henton, Hickman, Hicks, Holloway, Kendall, Logan, McCarty, Odell, Reid, Saffer, and Teegarden.

Mr. Hanna offered the following amendment to the instructions:

Strike out "prima facie," when it occurs, and insert "conclusive unless set aside for fraud upon the part of the person accused of violating the law, by employing or encouraging negroes or mulattoes."

Which was adopted.

Mr. Dougherty moved to lay the bill and pending instructions on the table.

Which motion did not prevail.

The question then being on referring the bill and pending instructions to a select committee,

It was decided in the affirmative.

The chair then announced the following Senators as said select committee :

Messrs. Slack, Niblack, Hester, Logan and Teegarden.

Senate bill

No. 39. A bill providing for the change of the titles of railroads, plank roads, or McAdamized roads, or other incorporated companies in this State,

Was read a third time and lost, ayes 20, noes 15.

*Those who voted in the affirmative were,*

Messrs. Alexander, Athon, Brugh, Cravens, Delevan, Goodman, Henton, Hester, Hicks, Holloway, James, Kendall, Logan, McCarty, Odell, Secrest, Slack, Sleeth, Spann, and Washburn.

*Those who voted in the negative were,*

Messrs. Berry, Dawson, Dougherty, Hanna, Hatfield, Hickman, Hunt, Kinnard, Mickle, Miller, Niblack, Reid, Saffer, Teegarden, and Woods.

On motion by Mr. Hickman,

The vote was reconsidered.

On motion by Mr. Secrest,

The bill was laid on the table.

Senate bill No. 36. A bill for the relief of the purchasers of school section No. 16, township No. 26 north, of range No. 12 east, and prescribing the duty of county auditor thereto;

Was read a third time, and did not pass—ayes 25, noes 8.

*Those who voted in the affirmative were,*

Messrs. Alexander, Athon, Berry, Brugh, Cravens, Dawson, Delevan, Dougherty, Henton, Hester, Hickman, Hicks, Holloway, James, Kendall, McCarty, Mickle, Niblack, Odell, Saffer, Secrest, Slack, Sleeth, Spann, and Woods.

*Those who voted in the negative were,*

Messrs. Goodman, Hatfield, Hunt, Kinnard, Logan, Miller, Reid and Teegarden.

Mr. Mickle moved to reconsider the vote just taken.



Which motion prevailed.

Mr. Mickle moved to lay the bill on the table.

Which motion prevailed.

Senate bill No. 23. A bill providing for the election of township officers in the civil townships in the several counties of this State, prescribing the mode of doing township business, and the duties of the township officers thereof, together with some of the duties of county auditors and treasurers;

Was upon its second reading; when,

On motion by Mr. Athon,

It was referred to the committee on county and township business.

On motion by Mr. Athon;

Messrs. Milliken and Cravens were added to the committee on county and township business.

Senate bill No. 28. A bill to repeal the eleventh, twelfth, and thirteenth sections of an act to amend an act entitled "An act to amend the act entitled an act to incorporate the city of Fort Wayne," and all acts and parts of acts amendatory thereto,

Was read a second time; when,

On motion by Mr. Berry,

It was referred to the committee on Corporations.

House bill No. 31. A bill to regulate visiting the Indiana Hospital for the Insane,

Was read a second time; when,

On motion by Mr. Secrest,

The bill was referred to the committee on Practice and Pleadings of Courts of Justice and Criminal Law of the State.

House bill No. 17. A bill to provide for the appointment of a Reporter, and the speedy publication of the decisions of the Supreme Court;

Was read a second time; when,

On motion by Mr. Secrest,

It was referred to the committee on the Judiciary.

Senate bill No. 40. A bill providing for the election of township assessors, the taking and approval of their bonds, taking the oath of office, prescribing the mode of assessing personal property, fixing the compensation of assessors, and repealing all acts or parts of acts conflicting with this act;

Was read a second time; when,

On motion by Mr. Athon,

It was referred to the committee on county and township business.

On motion by Mr. Mickle,

Bill No. 36 was taken from the table.

Mr. Mickle then moved to refer the same to a select committee of three, with instructions to report a general law on that subject.

Which motion prevailed.

The chair announced the following senators as said committee :  
Messrs. Mickle, Slack and Berry.

On motion by Mr. Reid,

The Senate adjourned.

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2 o'clock, P. M.

The Senate met.

On motion of Mr. Miller,

Mr. Spann was called to the chair.

Mr. Dougherty moved a call of the Senate.

A quorum not being present,

On motion,

The Senate adjourned.

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WEDNESDAY MORNING, {  
Dec. 31st, 1851. }

The Senate met.

The President, Hon. James H. Lane, being still absent,

On motion by Mr. Spann,

Mr. Holloway was called to the chair.

The journal of yesterday was read.

#### ORDERS OF THE DAY.

Senate joint resolution No. 41. A joint resolution in relation to Smith O'Brien, Thomas F. Meagher, John Mitchell, and their immediate associates;

Was read a second time and ordered to be engrossed for a third reading.

Mr. Woods, from the joint committee on Enrolled Bills, submitted the following report :

MR. PRESIDENT :

The joint committee on Enrolled Bills have compared enrolled bill of the Senate No. 30, and enrolled joint resolutions Nos. 22 and 34, of the Senate, with the engrossed copies, and find them correctly enrolled.

The following message was received from the House, by Mr. Sites, their clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has concurred in the engrossed amendments of the Senate to engrossed bills of the House,

No. 5. An act to authorize the trustees in chancery and probate judges to issue writs of habeas corpus, and to try cases arising under such writs, and to award injunctions and writs of *ne exeat*, and providing their compensation for such services. And

No. 33. An act to abolish the Tippecanoe and Marion courts of common pleas, provide for the trial of causes pending therein, and to regulate all proceedings in reference to the records, judgments, orders and decrees thereof. Also,

No. 13. An act to authorize the Grand Lodge of Free Masons of the State of Indiana, to erect and maintain a monument on the battle ground of Tippecanoe. Also,

No. 36. An act to authorize the Governor of this State to engage the services of a clerk to examine the maps and lists of swamp lands granted by the General Government to this State.

Mr. Hanna, from the committee on the Judiciary, submitted the following report :

MR. PRESIDENT :

The committee on the Judiciary, to whom was referred joint resolution of the House No. 5, have had the same under consideration, and have instructed me to report the same back, and recommend its passage.

Which report was concurred in, and the accompanying joint resolution ordered to be engrossed for a third reading.

Mr. Secrest offered the following resolution :

*Resolved*, That the House of Representatives be respectfully requested to return to the Senate the order and message of the Senate

defining the duties of the joint committee on the Arrangement and Phraseology of bills.

Which was adopted.

The following message was received from the House of Representatives, by Mr. Sites, their clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed joint resolution thereof:

No. 8. Joint resolution relative to William Smith O'Brien and others.

In which the concurrence of the Senate is respectfully requested.

The accompanying joint resolution was read a first time and passed to a second reading.

On motion by Mr. Saffer,

The Senate adjourned.

2 o'clock, P. M.

Senate met.

On motion by Mr. Spann,

Mr. Henton was called to the chair.

Mr. Holloway offered the following resolution:

*Resolved*, That when the Senate adjourns, it will adjourn to meet again on Friday morning next, at nine o'clock.

Which was adopted.

Mr. Spann offered the following resolution:

*Resolved*, That the committee on Finance be directed to inquire into the propriety of inserting a provision in the revenue bill making such reduction in the poll tax, and also in the *per cent. ad valorem* on real estate, for State purposes, as the interest of the State and the just expectations of the people seem to demand.

Which was adopted.

Mr. Miller moved to adjourn.

Which motion did not prevail.

Mr. Spann moved to adjourn, which motion did not prevail.  
 Mr. Spann moved to adjourn, which motion prevailed.

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FRIDAY MORNING, }  
 January 2, 1852. }

The Senate met.

The President, Hon. James H. Lane, being still absent,

On motion of Mr. Miller,

Mr. Milliken was called to the chair.

The Journal of yesterday was read.

Mr. Miller presented the petition of H. Comingore and others, in relation to districting the State for Congressional purposes ;

Which,

On his motion,

Was referred to the committee on Districting the State.

Mr. Brugh presented the petition of Daniel Cockren and others, of the county of Delaware ;

Which,

On his motion,

Was referred to the committee on Finance.

Mr. Niblack asked leave to withdraw a petition from the County Commissioners of Daviess county ;

Which was granted.

Mr. Miller introduced,

No. 42. A bill districting the State for Congressional purposes ;

Which was read a first time, and passed to a second reading.

#### ORDERS OF THE DAY.

#### *Bills on their Third Reading.*

No. 41. A joint resolution in relation to Smith O'Brien, Thomas F. Meagher, John Mitchell and their immediate associates ;

Was read a third time and passed—ayes 42—noes 1.

*Those who voted in the affirmative were,*

Messrs. Alexander, Allen, Athon, Brugh, Cravens, Crawford, Davis, Defrees, Delevan, Dougherty, Emerson, Goodman, Hanna, Hatfield, Henton, Hester, Hickman, Hicks, Holloway, Hunt, James, Kendall, Kinnard, Knowlton, Logan, Longshore, McCarty, Mickle, Miller, Milliken, Niblack, Odell, Reid, Secrest, Slack, Sleeth, Spann, Teegarden, Walker, Washburn, Winstandley, and Witherow.

Mr. Saffer voted in the negative.

No. 5 of the House. A joint resolution in relation to mistakes in the purchase of lands in the State of Indiana;

Was read a third time,

When,

On motion of Mr. Secrest,

It was referred to a select committee consisting of Messrs. Secrest, Emerson and Niblack, with the following instructions:

So to amend the joint resolution so as to embrace all cases of mistakes in the entry of the public lands, where the purchase money is refunded to the purchasers.

Leave being granted, Mr. Mickle from the joint committee of free conference, submitted the following report:

**MR. PRESIDENT:**

The committee of free conference to whom was referred the matter of difference between the Senate and House of Representatives, on House bill No. 6, have according to order, had that subject under consideration, but have not been able to reconcile said difference, or come to any satisfactory agreement thereon; the committee on the part of the Senate, would report the same back to the Senate for its action, and your committee would ask to be discharged from the further consideration of the subject.

Which report was concurred in.

Mr. Mickle moved that the Senate recede from their amendment to House bill No. 6;

Which motion prevailed—ayes 22—noes 19.

The ayes and noes were demanded by Messrs. Spann and Goodman.

*Those who voted in the affirmative were,*

Messrs. Allen, Athon, Davis, Defrees, Delevan, Hanna, Henton, Hickman, Hicks, Hunt, Kendall, Longshore, McCarty, Mickle, Miliken, Niblack, Secrest, Slack, Sleeth, Walker, Washburn, and Witherow.

*Those who voted in the negative were,*

Messrs. Alexander, Brugh, Crawford, Dougherty, Emerson, Goodman, Hatfield, Hester, Holloway, James, Kinnard, Knowlton, Logan, Miller, Odell, Saffer, Spann, Teegarden and Winstandley.

#### BILLS ON THEIR SECOND READING.

No. 8 of the House. A joint resolution in relation to William Smith O'Brien and others ;

Was read a second time, and ordered to be engrossed for a third reading.

The following message was received from the House of Representatives by Mr. Sites their clerk :

**MR. PRESIDENT :**

I am directed by the House of Representatives to inform the Senate that the House has reciprocated the resolution of the Senate, and herewith return—the rules prescribing the duties and powers of the joint committee on Revision, Arrangement and Phraseology of Bills.

On motion by Mr. Emerson,

The vote adopting the report of the committee on Rules, was reconsidered,

And,

On his motion,

Said report was re-committed to a select committee of five.

The chair appointed Messrs. Emerson, Reid, Secrest, Berry and Holloway, to serve as such committee.

The following message was received from the House of Representatives, by Mr. Sites their clerk .

**MR. PRESIDENT :**

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bills thereof:

No. 52. An act to abolish the Marion court of common pleas,

and to transfer the proceedings and records to the Marion circuit court ;

Also,

No. 10. A joint resolution relating to the harbor at Michigan City ;

In which the concurrence of the Senate is respectfully requested.

Which bill and joint resolution were each read a first time and passed to a second reading.

Also,

The following message was received from the House of Representatives by Mr. Sites, their clerk :

**MR. PRESIDENT :**

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed joint resolution thereof :

No. 7. A joint resolution in relation to swamp lands ;

In which the concurrence of the Senate is respectfully requested.

The accompanying joint resolution was read a first time, and passed to a second reading.

Also,

The following message was received from the House of Representatives, by Mr. Sites their clerk :

**MR. PRESIDENT :**

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed joint resolution thereof :

No. 9. A joint resolution in relation to newspaper postage ;

In which the concurrence of the Senate is respectfully requested.

The accompanying joint resolution was read a first time and passed to a second reading.

Also,

The following message was received from the House of Representatives by Mr. Sites their clerk.

**MR. PRESIDENT :**

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill of the Senate, with two engrossed amendments thereto :



**No. 27.** An act for the relief of persons who are likely to suffer by the destruction of the records and other writings of Clay county, and to provide for furnishing said county with tract-books, lists of canal lands, general and local laws and decisions of the supreme court, and to provide for the collection and disbursement of revenue, and to authorize the board of county commissioners of said county to meet;

In which the concurrence of the Senate is respectfully requested.

The chair laid before the Senate a communication from the Auditor of State,

Which,

On motion by Mr. Mickle,

Was referred to the committee on Swamp Lands.

Mr. Slack, from a select committee, submitted the following report:

**MR. PRESIDENT:**

The select committee to which was referred bill No. 36, with instructions to report a bill making the law general in its application, would report that they have had the same under consideration, and requested me to strike out from the enacting clause and insert the following amendment and ask its passage:

"That in all cases where the township clerk of any congressional township, failed to file with the school commissioner or auditor a certified copy of the division and appraisal of any school section as made by the trustees of any congressional township in pursuance to the law then in force, and in all cases when any of the officers making sale of school land has failed to make the necessary records of the appraisal and division of school sections, it is hereby made the duty of county auditors to procure the appraisal of all school sections as originally made, and which are not recorded in pursuance to any law heretofore in force and record the same on the record of the board of commissioners, and shall enter a plat of the sections on the tract book, and the names of the purchasers, and also enter the same on the register of sales, together with the names of the purchasers in the same manner as now required by law to be done.

**SEC. 2.** All sales heretofore made of school sections be, and the same are hereby legalized, and made as effectual as though all the provisions of the law which were in force at the time of making said sales were fully and technically complied with, and all the estate in and to school sections or any parts thereof which have been thus sold be and the same is hereby vested in the purchasers thereof and their assigns; and upon final payment of the purchase money the

county auditors are required to make and execute to the purchasers thereof, or their assigns, deeds of conveyance as in other cases.

*Provided*, The taking effect of this act shall in no wise impair the congressional township funds in any township.

The question being upon the passage of the bill,  
It unanimously passed—ayes 43.

*Those who voted in the affirmative were,*

Messrs. Alexander, Allen, Athon, Berry, Brugh, Crawford, Davis, Dawson, Defrees, Delevan, Emerson, Goodman, Hanna, Hatfield, Henton, Hester, Hickman, Hicks, Holloway, Hunt, James, Kendall, Kinnard, Knowlton, Logan, Longshore, McCarty, Mickle, Miller, Milliken, Niblack, Odell, Reid, Saffer, Secrest, Slack, Sleeth, Spann, Teegarden, Walker, Washburn, Winstandley and Witherow.

Mr. Slack moved to amend the title as follows :

“An act for the relief of purchasers of school lands where no record has been made of the appraisment as required by any previous law, and the confirmation of titles to lands previously sold, and prescribing the duties of county auditors in relation thereto.”

Which amendment was adopted.

Mr. Mickle offered the following resolution :

*Resolved*, That the Senate will, the House concurring, proceed on Tuesday next at two o'clock, P. M., to the election of three commissioners to revise, simplify and abridge the rules, pleadings and forms of courts of justice.

Mr. Emerson moved to amend by striking out Tuesday and inserting Monday.

Mr. Niblack moved to amend the amendment by striking out Tuesday and inserting Wednesday.

Which motion did not prevail.

The question then being on the amendment,

It was adopted.

The resolution, as amended, was then adopted.

Mr. Berry moved to reconsider the vote upon concurring in the House amendments to Senate bill No. 27.

Which motion prevailed.

On motion by Mr. Berry,

The bill was referred to a select committee.

The chair announced the following senators as said select committee :

Messrs. Berry, Winstandley and Reid.

On motion by Mr. Berry,

Mr. Hanna was added to the committee.

PETITIONS, MEMORIALS, &C., PRESENTED.

By Mr. Athon ;

A petition from sundry citizens of Clark county, relative to the present license for the retailing of spirituous liquors ;

Which was referred to the committee on Temperance.

By Mr. Milliken ;

Two petitions from sundry citizens of Dearborn county on the same subject ; which,

On his motion,

Were referred to the same committee.

By Mr. Holloway :

A petition from sundry citizens of Wayne county, on the same subject ;

Which was,

On his motion,

Referred to the same committee.

Mr. Reid offered the following resolution :

*Resolved*, That the committee on Roads be instructed to inquire into the propriety of introducing into the bill now under their consideration, for the general government of public highways, a section authorizing each road district to elect its own supervisor ; also limiting the labor tax for working on public highways to ten days, instead of allowing the supervisor to call out the hands *ad libitum*, but that for all necessary extra labor thereon the same be paid by a tax on property in said district.

Which was adopted.

Mr. Hester offered the following resolution :

*Resolved*, That the committee on Temperance be instructed to inquire into the expediency of repealing all laws regulating the traffic in spirituous liquors, and providing that no one shall be permitted to vend such liquors by a quantity less than a gallon at a time, except for medicinal purposes, under due restrictions, until he execute and file a bond with sufficient surety, to be approved by the county auditor, in the penal sum of \$1000, conditioned for the payment of all such damages as may be occasioned to any inebriate, his wife or children, by reason of his vending to such inebriate spirituous liquors ; and to so provide as to the proof necessary to sustain a suit on such

bond, as will afford full compensation to the injured party, and serve as a timely check to that unprincipled class of men guilty of knowingly selling spirituous liquors to the common drunkard, and to those in a state of intoxication; and that said committee be further instructed to report hereon at its earliest convenience.

Which was adopted.

On motion of Mr. Reid,  
The Senate adjourned.

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2 o'clock, P. M.

Senate met.

On motion of Mr. Emerson,  
Mr. Athon was called to the chair.

Mr. Winstandley, from the committee on Finance, submitted the following report :

MR. PRESIDENT:

The committee on Finance, to whom was referred bill of the House of Representatives No. 49, have had the same under consideration, and a majority of the committee instructed me to report it back to the Senate, and recommend its passage.

Which report was concurred in.

Mr. Emerson, from the committee on the Practice and Pleading of Courts of Justice, and Criminal Laws of the State, submitted the following report :

MR. PRESIDENT:

The committee on the Practice and Pleadings of Courts of Justice and Criminal Law, to whom was referred bill of the House No. 31, entitled "a bill to regulate visiting the Indiana Hospital for the Insane," have had the same under consideration, and have made one amendment thereto, and when said amendment is adopted said committee recommend the passage of said bill.

Amend as follows:

Strike out all after the enacting clause and insert the following:

That any person or persons wishing to visit the Hospital for the Insane, may hereafter visit the wards of said Hospital, subject to

such rules, regulations and restrictions as the Superintendent thereof may, in his discretion, prescribe and direct, on Monday, Tuesday, Wednesday, Thursday, Friday and Saturday of each week, between the hours of two o'clock P. M. and five o'clock, P. M. on such days, and upon no other day and at no other time than on the days and between the hours aforesaid.

*Provided, however,* That said Hospital and every department thereof shall be at all times subject to the immediate inspection and examination of the Board of Commissioners, or any member thereof, and all committees of either branch of the Legislature, charged with any duty or inquiry in relation to said Hospital.

SEC. 2. This act shall take effect and be in force from and after its publication and circulation in the several counties of the State. Which report was concurred in,

And the amendment ordered to be engrossed for a third reading.

Mr. Winstandley, from the committee on Finance, submitted the following report:

MR. PRESIDENT:

The committee on Finance, to whom was referred the petition of Daniel Cockren and others, of the county of Delaware, praying relief for Henry Pittenger, have had the petition under consideration, and directed me to report it back to the Senate, and recommend that it be referred to the committee on Education.

Which was concurred in.

On motion of Mr. Hicks,  
The Senate adjourned.

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SATURDAY MORNING, 9 o'clock, }  
January 3, 1852. }

Senate met.

The President being still absent,  
On motion of Mr. Saffer,  
Mr. Emerson was call to the chair.  
The journal of yesterday was read.

## PETITIONS, MEMORIALS &amp;C. PRESENTED.

By Mr. Defrees;

The petition of sundry females of the State, on the subject of temperance;

Which,

On motion,

Was referred to the committee on Temperance.

By Mr. Hatfield;

The petition of sundry citizens of Perry county, upon the subject of the administration of official oaths;

Which,

On motion,

Referred to the committee on the Judiciary.

Mr. Secrest moved to suspend the previous order of business;

Which was agreed to.

Whereupon he submitted the following report:

MR. PRESIDENT:

The committee on the Organization of Courts, to whom was referred bill of the Senate No. 19, entitled a bill, "prescribing rules for the institution and carrying on of prosecutions for offences against the criminal law, and modifying the grand jury system as permitted by the constitution," have had the same under consideration, and have directed me to report the same back to the Senate, with a recommendation that it be referred to the committee on Criminal Law and to which it appropriately belongs.

Which was concurred in.

The same gentleman from the same committee, also submitted the following report:

MR. PRESIDENT:

The committee on the Organization of Courts, to whom was referred so much of the Governor's message as relates to the establishment of the office of Attorney General, have had that subject under consideration, and have directed me to report that in the opinion of the committee it is inexpedient to legislate at this time on the subject, and ask respectfully to be discharged from the further consideration of the subject.

Which was concurred in.

Mr. Delevan offered the following resolution:

*Resolved*, That the committee on Finance inquire into the expediency of disposing by public sale the interest of the State in the Madison and Indianapolis Railroad, on one and two years credit, and payment to be made in stocks of the State, and report by bill or otherwise.

Which was adopted.

Mr. Niblack offered the following resolution :

*Resolved*, That there be printed one thousand copies of the address delivered by Prof. Daniel Read, on the subject of common schools, in the Hall of Representatives on Tuesday evening last, for the use of the Senate.

Mr. Secrest moved to amend by inserting the words "also 1000 copies of a pamphlet, on the same subject, now in press, by 'one of the people.'"

Which was adopted.

The question being on the adoption of the resolution as amended. Was decided in the negative—ayes 18—noes 25.

The ayes and noes were demanded by Messrs. Berry and Miller.

*Those who voted in the affirmative were,*

Messrs. Allen, Athon, Defrees, Hester, Holloway, Hunt, James, Knowlton, Longshore, McCarty, Milliken, Niblack, Secrest, Slack, Spann, Teegarden, Washburn and Witherow.

*Those who voted in the negative were,*

Messrs. Alexander, Berry, Brugh, Crawford, Davis, Dawson, Delevan, Dougherty, Emerson, Goodman, Hanna, Hatfield, Henton, Hickman, Hicks, Kendall, Kinnard, Logan, Mickle, Miller, Reid, Saffer, Sleeth, Walker and Winstandley.

Mr. Miller offered the following resolution :

*Resolved*, That the committee on Elections be required to report a bill to govern general elections, at the earliest time practicable.

Which was adopted.

Mr. Niblack offered the following resolution :

*Resolved*, That the Hon. Samuel S. Mickle be, and he is hereby

appointed president *pro tempore* of the Senate, in the absence of the Hon. James H. Lane, the Lieutenant Governor.

Mr. Secrest moved to amend by striking out from the resolving clause, and inserting:

"That the Senate proceed, instanter, to the election of president *pro tem.*"

Which was adopted.

The question being on the resolution as amended,

It was adopted.

Mr. Secrest then put in nomination Hon. S. S. Mickle, senator from the counties of Adams, &c., as a candidate.

The Senate then proceeded by a *viva voce* vote to the election of president *pro tem.*

*Those who voted for the Hon. Samuel S. Mickle were,*

Messrs. Alexander, Allen, Athon, Berry, Brugh, Cravens, Crawford, Davis, Dawson, Defrees, Delevan, Emerson, Goodman, Hanna, Hatfield, Henton, Hickman, Hicks, Holloway, Hunt, James, Kinnard, Knowlton, Logan, Longshore, McCarty, Miller, Niblack, Saffer, Secrest, Slack, Sleeth, Spann, Walker, Washburn, Winsteadley, and Witherow—37.

Mr. Dougherty voted for Mr. Cravens.

Mr. Mickle voted for Mr. Emerson.

Mr. Teegarden voted for Mr. Milliken.

Mr. Milliken voted for Mr. Dougherty.

Hon. Samuel S. Mickle having received a majority of all the votes cast, was, by the chair, declared duly elected President *pro tem.*, to serve as such during the absence of Hon. James H. Lane, Lieutenant Governor.

Mr. Mickle was then conducted to the chair by Messrs. Dawson and Knowlton, after which he delivered an appropriate address, returning his thanks to the Senate for the honor conferred upon him.

The following message was received from the House of Representatives by Mr. Sites their clerk.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has reciprocated the resolution of the Senate to proceed on Monday next at two o'clock to the election of three



commissioners to revise, simplify and abridge the rules, practice, pleadings and forms of the courts of justice.

#### ORDERS OF THE DAY.

Bill of the House No. 49. A bill to amend the tenth and eleventh sections of article two, of chapter twelve, part first, of the Revised Statutes of 1843, on the subject of enlisting property for taxation;

Was read a third time; when

Mr. Emerson moved to recommit the bill to the committee on Finance, with the following instructions:

Strike out in the first section all after the word "administrator," in the 12th line.

Which motion prevailed.

House bill No. 31. A bill to regulate visiting the Indiana Hospital for the Insane;

Was read a third time and passed—ayes 31, noes 10.

*Those who voted in the affirmative were,*

Messrs. Allen, Athon, Brugh, Cravens, Crawford, Davis, Dawson, Emerson, Henton, Hester, Hickman, Hicks, Holloway, Hunt, James, Kinnard, Knowlton, Logan, Longshore, McCarty, Mickle, Milliken, Saffer, Secrest, Slack, Sleeth, Spann, Teegarden, Walker, Washburn, Winstandley, and Witherow.

*Those who voted in the negative were,*

Messrs. Berry, Cravens, Defrees, Delevan, Dougherty, Goodman, Hanna, Hatfield, Miller, and Niblack.

Joint resolution of the House No. 8. A joint resolution relative to William Smith O'Brien and others;

Was read a third time and passed—ayes 39, noes 1.

*Those who voted in the affirmative were,*

Messrs. Allen, Athon, Berry, Brugh, Cravens, Crawford, Davis, Dawson, Defrees, Delevan, Dougherty, Emerson, Goodman, Hanna, Hatfield, Henton, Hester, Hickman, Hicks, Holloway, Hunt, James, Kinnard, Knowlton, Logan, Longshore, McCarty, Mickle, Milliken, Niblack, Secrest, Slack, Sleeth, Spann, Teegarden, Walker, Washburn, Winstandley and Witherow.

Mr. Saffer voted in the negative.

No. 42. A bill districting the State for congressional purposes ;  
Was on its second reading ; when,

On motion by Mr. Emerson,

It was referred to the committee on districting the State.

Joint resolution of the House No. 9. A joint resolution in relation to newspaper postage ;

Was read a second time and referred to the committee on Federal Relations.

House joint resolution No. 10. A joint resolution relating to the harbor at Michigan city ;

Was read a second time and referred to the committee on Federal Relations.

House joint resolution No. 7. A joint resolution in relation to swamp lands ;

Was read a second time ; when,

On motion by Mr. Emerson,

It was referred to the committee on Swamp Lands.

House bill No. 52. A bill to abolish the Marion court of common pleas, and to transfer its proceedings and records to the Marion circuit court ;

Was read a second time and ordered to be engrossed for a third reading.

The following message was received from the House of Representatives, by Mr. Sites, their Clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the Speaker has signed the following enrolled bill thereof :

No. 25. An act to provide for the publishing the acts and joint resolutions of the General Assembly ;

Which I am directed to bring to the Senate for the signature of the President thereof.

Also, the following message was received from the House of Representatives, by Mr. Sites, their Clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the Speaker has signed the following enrolled bills of the House : Nos. 36, 13, and 5 ; which I am directed to bring to the Senate for the signature of the President thereof.

On motion of Mr. Niblack,  
The Senate adjourned.

2 o'clock, P. M.

The Senate met.

Mr. Milliken offered the following resolution :

*Resolved*, That the use of this chamber be granted to the State Temperance Convention on Wednesday, the 17th instant.

Which was adopted.

The President laid before the Senate the following communication from his Excellency the Governor of the State of Indiana :

EXECUTIVE DEPARTMENT, }  
Dec. 31st, 1851. }

SIR: You will please to lay the within communication before the Senate.

Respectfully, yours &c.,

JOSEPH A. WRIGHT.

EXECUTIVE DEPARTMENT, }  
Dec. 31st, 1851. }

*To the Senate :*

Francis King is authorized to make communications from the Executive Department to the Senate, during the present session.

JOSEPH A. WRIGHT.

The President laid before the Senate a communication from the Governor in relation to a draft drawn upon the Treasury by Alexander Vattermare ;

Which was referred to the committee on the Judiciary.

Mr. Teegarden offered the following resolution :

*Resolved*, That the committee on Agriculture be requested to inquire into the propriety of so changing the present law in relation to line fences, as to protect more effectually the interest of the farmer ; and report to the Senate by bill or otherwise.

Which was adopted.

Mr. Hatfield offered the following resolution :

*Resolved*, That the Judiciary Committee be instructed to inquire

into the expediency of reporting a bill making the sheriff *ex officio*, administrator on decedents' estates, where no person is found willing to administer.

Which was adopted.

Mr. Emerson, from the committee on Finance, submitted the following report:

MR. PRESIDENT:

The committee on Finance, to whom was referred bill of the House No. 49, entitled "a bill to amend the tenth and eleventh sections of article 2 of chapter 12 of part 1 of the Revised Statutes of 1843, on the subject of enlisting property for taxation," have had the same under consideration, and have made the amendment according to the spirit of the instructions, and when said amendments are adopted the committee recommend the passage of said bill.

Amendment to House bill No. 49:

Strike out the word "county" in the 15th line of the first section of said bill and insert in lieu thereof the word "township."

Which was concurred in, and the amendment adopted.

Mr. Emerson offered the following amendment to the bill:

Add the following to the end of the first section of said bill:

And for all other lands owned by any such person in any other township in the county, on the first day of January of the year in which the enlistment is made, such person shall be listed therefor in the township or townships in which any of such lands may be situated owned not elsewhere, including all lands owned or held by him as trustee as aforesaid.

Which was unanimously agreed to.

The bill as amended was then read a third time and passed—ayes 32—noes 8.

*Those who voted in the affirmative were,*

Messrs. Allen, Athon, Brugh, Crawford, Davis, Dawson, Defrees, Delevan, Emerson, Henton, Hester, Hickman, Holloway, Hunt, James, Kinnard, Knowlton, Longshore, McCarty, Mickle, Miller, Milliken, Niblack, Reid, Saffer, Secrest, Slack, Spann, Walker, Washburn, Winstandley, and Witherow.

*Those who voted in the negative were,*

Messrs. Alexander, Berry, Dougherty, Goodman, Hanna, Hatfield, Sleeth, and Teegarden.

Mr. Athon from the committee on County and Township Business, submitted the following report:

MR. PRESIDENT:

The standing committee on County and Township Business to whom was referred Senate bill No. 40, in relation to Township Assessors, have had the same under consideration and have made sundry amendments, to-wit:

Strike out "second Tuesday in October," and insert in the third line of first section "first Monday in April."

Also, in fifth line of said section the word "biennially," and insert "annually."

And also, strike out of fourth section, fifth line, the word "December," and insert "September," and recommend its passage, and ask to be discharged from the further consideration thereof.

Which was concurred in.

On motion of Mr. Miller,

The bill was recommitted with the following instructions:

Add the following—

*Provided*, That the Assessors under this law, shall not enter upon their duties until January, 1853.

Mr. Slack moved to amend as follows:

Strike out of the second section, "sheriffs," and insert "township clerks."

Which was not agreed to.

Mr. Emerson offered the following amendment:

Add the following section—

SEC. —. The personal property in each and every county of this State, in which any local or special law was in force on the last day of October, in the year one thousand eight hundred and fifty-one, authorizing the assessment of such property by township assessors, shall for the year one thousand eight hundred and fifty-two be assessed in accordance with the provisions of this act, and any vacancy in the office of township assessor in any of said counties which

has, or may hereafter occur, shall be filled in the manner prescribed in this act.

Which was not adopted.

On motion of Mr. Spann,

The bill was laid on the table.

On motion of Mr. Defrees,

Senate bill, No. 35 was taken from the table and referred to the committee on Banks.

The following message was received from the House of Representatives by Mr. Sites their clerk:

**MR. PRESIDENT:**

I am directed by the House of Representatives to inform the Senate, that the Speaker has signed the following enrolled bill thereof, No. 33, which I am directed to bring to the Senate for the signature of the President thereof.

The following message was received from His Excellency, the Governor, by Mr. King, his private secretary:

**MR. PRESIDENT:**

I am directed by the Governor to inform the Senate that he has this day approved and signed the following bill and joint resolutions, to-wit:

No. 22. A joint resolution relative to granting public lands to settlers;

No. 30. An act prescribing the time of holding the circuit courts in the second judicial circuit, fixing the length of the respective terms of the same, and conforming the business of the said courts to the changes herein made;

No. 34. A joint resolution in favor of the Hungarian patriots; All of which originated in the Senate.

On motion by Mr. Athon,

The Senate adjourned.

MONDAY MORNING, 9 o'clock, }  
January 5, 1852. }

The Senate met.

The journal of Saturday was read.

Mr. Berry, from the committee on Federal Relations, submitted the following report:

MR. PRESIDENT:

The committee on Federal Relations, to whom was referred joint resolution No. 9, entitled "A joint resolution in relation to newspaper postage," have had that subject under consideration, and after the adoption of the following amendments, they recommend its passage:

Strike out all after the word "that," in the seventh line, and insert in lieu thereof—

"The franking privilege shall not extend to the franking of other printed matter than documents printed by Congress, or one of the branches thereof.

*And it is further resolved,* That His Excellency, the Governor, be requested to mail to each of our Senators and Representatives in Congress a copy of this joint resolution."

Which was concurred in and the amendment ordered to be engrossed for a third reading.

The following message was received from the House of Representatives, by Mr. Sites, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the Speaker has signed the following enrolled bill thereof, No. 6; which I am directed to bring to the Senate for the signature of the President thereof.

Mr. Slack, from the committee on County and Township Business, submitted the following report:

MR. PRESIDENT:

The committee on County and Township Business, to which was referred bill No. 23 of the Senate, would report that they have had the same under consideration, and have requested me to report the

same back, with the following amendments, to-wit : After the words "one clerk," in the third section, insert the words "one assessor ;" after the word "township," in the eighth line of said section, insert the following : "And if two or more persons have the highest and an equal number of votes for the same office, the board of judges shall decide by lot who is elected." At the conclusion of said third section, add the following : "*Provided*, That in the election of supervisors, no vote shall be received and counted by the trustees, where more than one supervisor is voted for, and where more than one is voted for, said ballot shall be rejected so far as the same is given for supervisor." After the said third section in said original bill, insert the two following sections :

SEC. 4. The boards of commissioners of the several counties of this State shall, at the March session of said boards in the year 1852, appoint three trustees for the several civil townships in their respective counties, and the several county auditors shall make out certificates of appointment which shall be delivered to each person thus appointed by the sheriff, and it shall be the duty of the trustees thus appointed to hold the first election under the provisions of this act, shall have power to appoint clerks for said election, and qualify them by administering the usual oath of office, and shall do and perform all other acts and things necessary to carry out the provisions of this act, the same as though they had been originally elected in pursuance thereof; they shall meet together within twenty-five days after said election, and approve the bonds of the officers, and require of each person elected, to qualify as herein required; and the clerk appointed by said trustees shall have power to administer all necessary oaths of office, and oaths to voters whose right may be challenged.

SEC. 5. Should the voters of any civil township, in any county in this State, fail to elect the trustees as in this act required, it shall be the duty of the county auditor, at any time thereafter, upon the petition of five citizens of the township, to appoint three trustees, whose duty it shall be to make the necessary appointments of all township officers which the voters have failed to elect, or which may have been elected and have failed to qualify, and it shall be the duty of the trustees thus appointed to collect from those who may have been elected and failed to qualify, the penalty herein prescribed.

After the word "March," in the 4th line of the 8th section, insert the word "and," and after the word "June," in the 5th line, strike out the words "September and December," and after the word "annually," insert the words "and oftener."

At the conclusion of the 9th section add as follows: "or assign the reasons why it has not been so worked out or expended."

After the 11th section in the original bill, add a section as follows:

SEC. 14. It shall be the duty of the township clerk to provide a



suitable record, at the expense of the township, in which he shall enter the ear marks of cattle, sheep and hogs, and such marks and brands of horses, mules and asses, as any person may wish to have recorded; but he shall not record the same marks or brands to two different persons of said township, for which service the clerk shall be entitled to receive a fee of ten cents.

After the word "necessarily," in the second line of the 15th section, insert the words "and actually."

In the 11th line of the 24th section, strike out the word "twenty" and insert "thirty."

With these amendments, the committee would ask that the bill may be passed.

Which report was concurred in, and the amendments adopted.

Mr. Secrest moved to lay the bill on the table;

Which motion prevailed.

Mr. Emerson, from a select committee, submitted the following report:

MR. PRESIDENT:

The select committee, to whom was referred the report of the joint committee on the Revision, Arrangement and Phraseology of Bills, defining the duties and powers of said joint committee, have had the same under consideration, and a majority of said committee have made sundry amendments thereto, and when said amendments are adopted, the majority of said committee recommend the adoption of said rules.

Amend as follows:

1st. Strike out the word "after" in the 2d line of the 1st rule, and insert in lieu thereof the word "before."

2d. Strike out the word "engrossed" next preceding the word "bill" in the 3d line of said 1st rule.

3d. Strike out the word "enrolled" in the 5th line of the 3d rule, and insert in lieu thereof the word "engrossed."

On motion of Mr. Emerson,

The rules and amendments were laid on the table.

Mr. Hanna moved to suspend the order of business;

Which was agreed to.

Mr. Hanna, from a select committee, submitted the following report:

MR. PRESIDENT:

The select committee to which was referred bill of the Senate No

27, and engrossed amendments of the House thereto, have had the same under consideration, and have directed me to report the same back with the following amendments to the amendments of the House, upon the adoption of which they recommend that the amendments of the House be concurred in.

Amend by adding at the end of section 22, the following :

Upon the re-entry of judgments in the circuit or probate court, and in all other cases where fees are due and unpaid, it shall be the duty of the clerk of said court to re-tax the fees due in said cases, or in other cases, previous to and not connected with said re-entry ; which said taxation shall be either of the aggregate amount due each officer, or by itemizing the same, as the same may be known to said clerk or furnished to him by the officer claiming the same. Nevertheless the person or persons against whom the fees are thus taxed may move in the proper court to have the same re-taxed according to the law and practice governing that subject ; and the said officer shall have the same remedy to collect the said fees so taxed as the general laws provide for the collection of other fees ; or said officers may each be allowed the actions of debt or assumpsit for the collection of the same in the same manner that other debts are now collected by law.

Amend by inserting after the word " court " in the 3d line of the 22d section, the following :

And upon such trial oral testimony shall be admitted.

Which said engrossed amendments of the House were concurred in, with the amendments of the committee.

Mr. McCarty moved to take from the table

House bill No. 52. A bill to abolish the Marion court of common pleas, and to transfer the proceedings and records to the Marion circuit court ;

And to re-commit to the committee on the Judiciary, with the following instructions :

To examine and report whether it contains all proper provisions for the discharge of the business transferred from it to the circuit court ;

Also,

To inquire into the expediency of making compensation to the judge of the Marion court of common pleas, in consequence of the loss he will sustain in consequence of the unfinished business for the last six months being transferred to the circuit court.

Which motion prevailed.

The following message was received from the House of Representatives, by Mr. Sites their clerk :

## MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed joint resolution thereof:

No. 10. Joint resolution in relation to a donation of public lands for a geological and topographical survey;

In which the concurrence of the Senate is respectfully requested.

The accompanying joint resolution was read a first time and passed to a second reading.

On motion of Mr. Emerson,

250 copies of bill of the Senate No. 40, providing for the election of township assessors, &c., 100 copies for the use of the Senate, and 150 copies for the use of the House, were ordered to be printed.

Mr. Washburn moved to reconsider the vote on ordering to print; Which motion did not prevail.

Mr. Teegarden moved to adjourn;

Which was not agreed to.

## PETITIONS, MEMORIALS, &amp;C.

By Mr. Secrest,

The petition of A. Layman, and many others, of Putnam county, on the subject of temperance;

Which,

On his motion,

Was referred to the committee on that subject.

By Mr. Holloway,

The petition of sundry citizens of the counties of Delaware, Grant, and Madison, in relation to creating a new county, to be composed of parts of the several counties above named;

Which was,

On his motion,

Referred to a committee of Senators interested.

Messrs. Brugh, Hunt, and Holloway were appointed said committee.

Mr. Emerson moved to take from the table Senate bill

No. 18. A bill exempting five hundred dollars worth of real estate from execution;

Which motion prevailed.

Mr. Spann moved the following amendment:

Strike out sec. 11, and insert as follows:

And that five hundred dollars worth of personal property be, and the same is hereby exempted from execution and sale to those who are not owners of real estate, to be valued and set off as provided in the case of real estate.

Mr. Saffer moved to amend the amendment by striking out "five hundred" wherever it occurs, and inserting "one hundred and twenty-five;"

Which amendment was not agreed to.

Mr. Athon offered the following amendment to the amendment:

Insert after the words "real estate," the following:

*Provided*, The person claiming the benefit of the law shall first make a declaration, under oath, before the county auditor, that he is clear of debt.

Mr. Emerson moved to lay the amendment on the table;

Which motion prevailed—ayes 27, noes 15.

The ayes and noes were demanded by Messrs. Athon and Logan.

*Those who voted in the affirmative were,*

Messrs. Brugh, Davis, Defrees, Delevan, Dougherty, Eddy, Emerson, Goodman, Hanna, Hatfield, Henton, Hester, Hickman, Kinnard, Longshore, Mickle, Milliken, Niblack, Reid, Saffer, Secrest, Slack, Spann, Teegarden, Walker, Washburn, and Winstandley.

*Those who voted in the negative were,*

Messrs. Alexander, Allen, Athon, Berry, Dawson, Dunn, Hicks, Holloway, Hunt, James, Knowlton, Logan, McCarty, Odell, and Witherow.

Mr. Winstandley offered the following amendment to the amendment:

Amend in the proper place by inserting—

Whenever any such property, real or personal, shall have been set off to the debtor, it shall remain for the sole use of the wife and children and shall not be sold without the written consent of the wife.

Which amendment was accepted.

*Those who voted in the negative were,*

Messrs. Alexander, Berry, Dougherty, Goodman, Hanna, Hatfield, Sleeth, and Teegarden.

Mr. Athon from the committee on County and Township Business, submitted the following report:

MR. PRESIDENT:

The standing committee on County and Township Business to whom was referred Senate bill No. 40, in relation to Township Assessors, have had the same under consideration and have made sundry amendments, to-wit:

Strike out "second Tuesday in October," and insert in the third line of first section "first Monday in April."

Also, in fifth line of said section the word "biennially," and insert "annually."

And also, strike out of fourth section, fifth line, the word "December," and insert "September," and recommend its passage, and ask to be discharged from the further consideration thereof.

Which was concurred in.

On motion of Mr. Miller,

The bill was recommitted with the following instructions:

Add the following—

*Provided*, That the Assessors under this law, shall not enter upon their duties until January, 1853.

Mr. Slack moved to amend as follows:

Strike out of the second section, "sheriffs," and insert "township clerks."

Which was not agreed to.

Mr. Emerson offered the following amendment:

Add the following section—

SEC. —. The personal property in each and every county of this State, in which any local or special law was in force on the last day of October, in the year one thousand eight hundred and fifty-one, authorizing the assessment of such property by township assessors, shall for the year one thousand eight hundred and fifty-two be assessed in accordance with the provisions of this act, and any vacancy in the office of township assessor in any of said counties which

has, or may hereafter occur, shall be filled in the manner prescribed in this act.

Which was not adopted.

On motion of Mr. Spann,  
The bill was laid on the table.

On motion of Mr. Defrees,

Senate bill, No. 35 was taken from the table and referred to the committee on Banks.

The following message was received from the House of Representatives by Mr. Sites their clerk:

**MR. PRESIDENT:**

I am directed by the House of Representatives to inform the Senate, that the Speaker has signed the following enrolled bill thereof, No. 33, which I am directed to bring to the Senate for the signature of the President thereof.

The following message was received from His Excellency, the Governor, by Mr. King, his private secretary:

**MR. PRESIDENT:**

I am directed by the Governor to inform the Senate that he has this day approved and signed the following bill and joint resolutions, to-wit:

No. 22. A joint resolution relative to granting public lands to settlers;

No. 30. An act prescribing the time of holding the circuit courts in the second judicial circuit, fixing the length of the respective terms of the same, and conforming the business of the said courts to the changes herein made;

No. 34. A joint resolution in favor of the Hungarian patriots; All of which originated in the Senate.

On motion by Mr. Athon,

The Senate adjourned.

MONDAY MORNING, 9 o'clock,  
January 5, 1852. }

The Senate met.

The journal of Saturday was read.

Mr. Berry, from the committee on Federal Relations, submitted the following report :

MR. PRESIDENT:

The committee on Federal Relations, to whom was referred joint resolution No. 9, entitled "A joint resolution in relation to newspaper postage," have had that subject under consideration, and after the adoption of the following amendments, they recommend its passage:

Strike out all after the word "that," in the seventh line, and insert in lieu thereof—

"The franking privilege shall not extend to the franking of other printed matter than documents printed by Congress, or one of the branches thereof.

*And it is further resolved,* That His Excellency, the Governor, be requested to mail to each of our Senators and Representatives in Congress a copy of this joint resolution."

Which was concurred in and the amendment ordered to be engrossed for a third reading.

The following message was received from the House of Representatives, by Mr. Sites, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the Speaker has signed the following enrolled bill thereof, No. 6; which I am directed to bring to the Senate for the signature of the President thereof.

Mr. Slack, from the committee on County and Township Business, submitted the following report:

MR. PRESIDENT:

The committee on County and Township Business, to which was referred bill No. 23 of the Senate, would report that they have had the same under consideration, and have requested me to report the

same back, with the following amendments, to-wit : After the words "one clerk," in the third section, insert the words "one assessor ;" after the word "township," in the eighth line of said section, insert the following : "And if two or more persons have the highest and an equal number of votes for the same office, the board of judges shall decide by lot who is elected." At the conclusion of said third section, add the following : "*Provided*, That in the election of supervisors, no vote shall be received and counted by the trustees, where more than one supervisor is voted for, and where more than one is voted for, said ballot shall be rejected so far as the same is given for supervisor." After the said third section in said original bill, insert the two following sections :

SEC. 4. The boards of commissioners of the several counties of this State shall, at the March session of said boards in the year 1852, appoint three trustees for the several civil townships in their respective counties, and the several county auditors shall make out certificates of appointment which shall be delivered to each person thus appointed by the sheriff, and it shall be the duty of the trustees thus appointed to hold the first election under the provisions of this act, shall have power to appoint clerks for said election, and qualify them by administering the usual oath of office, and shall do and perform all other acts and things necessary to carry out the provisions of this act, the same as though they had been originally elected in pursuance thereof ; they shall meet together within twenty-five days after said election, and approve the bonds of the officers, and require of each person elected, to qualify as herein required ; and the clerk appointed by said trustees shall have power to administer all necessary oaths of office, and oaths to voters whose right may be challenged.

SEC. 5. Should the voters of any civil township, in any county in this State, fail to elect the trustees as in this act required, it shall be the duty of the county auditor, at any time thereafter, upon the petition of five citizens of the township, to appoint three trustees, whose duty it shall be to make the necessary appointments of all township officers which the voters have failed to elect, or which may have been elected and have failed to qualify, and it shall be the duty of the trustees thus appointed to collect from those who may have been elected and failed to qualify, the penalty herein prescribed.

After the word "March," in the 4th line of the 8th section, insert the word "and," and after the word "June," in the 5th line, strike out the words "September and December," and after the word "annually," insert the words "and oftener."

At the conclusion of the 9th section add as follows : "or assign the reasons why it has not been so worked out or expended."

After the 11th section in the original bill, add a section as follows :

SEC. 14. It shall be the duty of the township clerk to provide a



suitable record, at the expense of the township, in which he shall enter the ear marks of cattle, sheep and hogs, and such marks and brands of horses, mules and asses, as any person may wish to have recorded; but he shall not record the same marks or brands to two different persons of said township, for which service the clerk shall be entitled to receive a fee of ten cents.

After the word "necessarily," in the second line of the 15th section, insert the words "and actually."

In the 11th line of the 24th section, strike out the word "twenty" and insert "thirty."

With these amendments, the committee would ask that the bill may be passed.

Which report was concurred in, and the amendments adopted.

Mr. Secrest moved to lay the bill on the table ;

Which motion prevailed.

Mr. Emerson, from a select committee, submitted the following report :

MR. PRESIDENT:

The select committee, to whom was referred the report of the joint committee on the Revision, Arrangement and Phraseology of Bills, defining the duties and powers of said joint committee, have had the same under consideration, and a majority of said committee have made sundry amendments thereto, and when said amendments are adopted, the majority of said committee recommend the adoption of said rules.

Amend as follows :

1st. Strike out the word "after" in the 2d line of the 1st rule, and insert in lieu thereof the word "before."

2d. Strike out the word "engrossed" next preceding the word "bill" in the 3d line of said 1st rule.

3d. Strike out the word "enrolled" in the 5th line of the 3d rule, and insert in lieu thereof the word "engrossed."

On motion of Mr. Emerson,

The rules and amendments were laid on the table.

Mr. Hanna moved to suspend the order of business ;

Which was agreed to.

Mr. Hanna, from a select committee, submitted the following report :

MR. PRESIDENT:

The select committee to which was referred bill of the Senate No

27, and engrossed amendments of the House thereto, have had the same under consideration, and have directed me to report the same back with the following amendments to the amendments of the House, upon the adoption of which they recommend that the amendments of the House be concurred in.

Amend by adding at the end of section 22, the following :

Upon the re-entry of judgments in the circuit or probate court, and in all other cases where fees are due and unpaid, it shall be the duty of the clerk of said court to re-tax the fees due in said cases, or in other cases, previous to and not connected with said re-entry; which said taxation shall be either of the aggregate amount due each officer, or by itemizing the same, as the same may be known to said clerk or furnished to him by the officer claiming the same. Nevertheless the person or persons against whom the fees are thus taxed may move in the proper court to have the same re-taxed according to the law and practice governing that subject; and the said officer shall have the same remedy to collect the said fees so taxed as the general laws provide for the collection of other fees; or said officers may each be allowed the actions of debt or assumpsit for the collection of the same in the same manner that other debts are now collected by law.

Amend by inserting after the word " court " in the 3d line of the 22d section, the following :

And upon such trial oral testimony shall be admitted.

Which said engrossed amendments of the House were concurred in, with the amendments of the committee.

Mr. McCarty moved to take from the table

House bill No. 52. A bill to abolish the Marion court of common pleas, and to transfer the proceedings and records to the Marion circuit court;

And to re-commit to the committee on the Judiciary, with the following instructions :

To examine and report whether it contains all proper provisions for the discharge of the business transferred from it to the circuit court ;

Also,

To inquire into the expediency of making compensation to the judge of the Marion court of common pleas, in consequence of the loss he will sustain in consequence of the unfinished business for the last six months being transferred to the circuit court.

Which motion prevailed.

The following message was received from the House of Representatives, by Mr. Sites their clerk :

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed joint resolution thereof:

No. 10. Joint resolution in relation to a donation of public lands for a geological and topographical survey;

In which the concurrence of the Senate is respectfully requested.

The accompanying joint resolution was read a first time and passed to a second reading.

On motion of Mr. Emerson,

250 copies of bill of the Senate No. 40, providing for the election of township assessors, &c., 100 copies for the use of the Senate, and 150 copies for the use of the House, were ordered to be printed.

Mr. Washburn moved to reconsider the vote on ordering to print; Which motion did not prevail.

Mr. Teegarden moved to adjourn;

Which was not agreed to.

#### PETITIONS, MEMORIALS, &C.

By Mr. Secrest,

The petition of A. Layman, and many others, of Putnam county, on the subject of temperance;

Which,

On his motion,

Was referred to the committee on that subject.

By Mr. Holloway,

The petition of sundry citizens of the counties of Delaware, Grant, and Madison, in relation to creating a new county, to be composed of parts of the several counties above named;

Which was,

On his motion,

Referred to a committee of Senators interested.

Messrs. Brugh, Hunt, and Holloway were appointed said committee.

Mr. Emerson moved to take from the table Senate bill

No. 18. A bill exempting five hundred dollars worth of real estate from execution;

Which motion prevailed.

Mr. Spann moved the following amendment:

Strike out sec. 11, and insert as follows:

And that five hundred dollars worth of personal property be, and the same is hereby exempted from execution and sale to those who are not owners of real estate, to be valued and set off as provided in the case of real estate.

Mr. Saffer moved to amend the amendment by striking out "five hundred" wherever it occurs, and inserting "one hundred and twenty-five;"

Which amendment was not agreed to.

Mr. Athon offered the following amendment to the amendment:

Insert after the words "real estate," the following:

*Provided*, The person claiming the benefit of the law shall first make a declaration, under oath, before the county auditor, that he is clear of debt.

Mr. Emerson moved to lay the amendment on the table;

Which motion prevailed—ayes 27, noes 15.

The ayes and noes were demanded by Messrs. Athon and Logan.

*Those who voted in the affirmative were,*

Messrs. Brugh, Davis, Defrees, Delevan, Dougherty, Eddy, Emerson, Goodman, Hanna, Hatfield, Henton, Hester, Hickman, Kinnard, Longshore, Mickle, Milliken, Niblack, Reid, Saffer, Secrest, Slack, Spann, Teegarden, Walker, Washburn, and Winstandley.

*Those who voted in the negative were,*

Messrs. Alexander, Allen, Athon, Berry, Dawson, Dunn, Hicks, Holloway, Hunt, James, Knowlton, Logan, McCarty, Odell, and Witherow.

Mr. Winstandley offered the following amendment to the amendment:

Amend in the proper place by inserting—

Whenever any such property, real or personal, shall have been set off to the debtor, it shall remain for the sole use of the wife and children and shall not be sold without the written consent of the wife.

Which amendment was accepted.

Mr. Dawson moved to amend the amendment as follows:

The debtor shall be permitted to select five hundred dollars worth of property to be designated by him, and which may consist of real or personal property or part of both not to exceed in all five hundred dollars, but before such debtor shall be entitled to such selection or exemption, the debtor shall under oath file with the clerk of the circuit court a full and fair exhibit of all his property and debts due him.

Mr. Emerson moved to commit the bill and amendments to a select committee consisting of one from each Judicial circuit.

Mr. Niblack moved to recommit the same to the committee on Pleadings and Practice, &c.

Which was not agreed to.

The question recurring on committing to a select committee;

It was decided in the affirmative.

When the President announced the names of the following Senators as composing said committee:

Messrs. Emerson, Odell, Spann, James, Dougherty, Reid, Davis, Walker, Defrees, Hester, Longshore, Dawson and Milliken.

Mr. Spann moved to adjourn;

Which was not agreed to.

Mr. Reid offered the following resolution:

*Resolved*, That so much of the Revised Statutes as are embraced in articles 1, 2, 3, 4, 5, 6, 7 and 8, of chapter 28, being articles concerning the acquisition, enjoyment and transmission of real property, be referred to the committee on the Judiciary, with instructions to revise and amend the same, and report by bill or otherwise.

Which was adopted.

Mr. Emerson offered the following resolution:

*Resolved*, That the committee on the Organization of Courts of Justice be instructed to report a bill abolishing the Grand Jury, and providing for the prosecution of crimes and misdemeanors in some other way.

On motion of Mr. Secrest,

The consideration of the resolution was postponed till Thursday next, and made the special order of the day for 2 o'clock P. M. of that day.

Mr. Athon moved to adjourn;

Which did not prevail.

The following message was received from the House of Representatives by Mr. Sites their clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that the House has concurred in the engrossed amendments of the Senate to engrossed bill of the House No. 49, "An act to amend the tenth and eleventh sections of article 2, of chapter 12, of part 1, of the Revised Statutes of 1843, on the subject of enlisting property for taxation."

On motion by Mr. James,  
The Senate adjourned.

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2 o'clock, P. M.

The Senate met.

Hon. James H. Lane, Lieut. Governor, in the chair.

The following message was received from the House of Representatives by Mr. Sites their clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following resolution:

*Resolved*, That the Senate be invited to attend in the Hall of the House, instantler, for the purpose of electing three commissioners to revise, simplify and abridge the practice and pleadings of courts of justice; and that seats be provided for them on the right of the Speaker's chair.

Which,

On motion of Mr. Saffer,

Was reciprocated;

When the Senate, preceded by the President, proceeded to the Hall of the House of Representatives, and took seats prepared for their use on the right of the Speaker's chair;

When both Houses, in joint convention, proceeded by a *viva voce* vote to the election of three commissioners to revise, simplify and abridge the practice and pleadings of courts of justice.

*The following Senators voted for Mr. Carr :*

Messrs. Alexander, Allen, Athon, Berry, Brugh, Crawford, Davis, Dawson, Delevan, Dougherty, Eddy, Emerson, Goodman, Hanna, Hatfield, Henton, Hester, Hickman, Hicks, Hunt, James, Kinnard, Logan, Longshore, Mickle, Miller, Milliken, Niblack, Reid, Saffer, Slack, Sleeth, Spann, Walker, Washburn, and Winstandley.

Mr. Secrest voted blank.

*Those who voted for Mr. Carr on the part of the House were*

Messrs. Barker, Beach, Beane, Beeson, Brady, Buskirk, Chowning, Crawford, Dice, Dobson, Douthit, Eccles, English, Foster, Glazebrook, Hanna, Harrison, Hart, Henry, Huey, Huffstetter, Humphreys, Kent, Lavery, Leviston, Litchfield, Major, Manson, McAllister, McConnell, McDowell, Morris, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Smith of Marion, Stover, Struble, Stuart, Sweet, Taggart, Wells, Williams, Wilson, Withers and Mr. Speaker—85.

Messrs. Gibson, Hays of White, and Lewis, voted blank.

*The following Senators voted for Mr. March :*

Messrs. Alexander, Allen, Athon, Berry, Brugh, Crawford, Davis, Dawson, Delevan, Dougherty, Eddy, Emerson, Godman, Hanna, Hatfield, Henton, Hester, Hickman, Hicks, Hunt, James, Kinnard, Logan, Longshore, Mickle, Miller, Milliken, Niblack, Reid, Saffer, Secrest, Slack, Sleeth, Spann, Walker, Washburn and Winstandley.

*Those who voted for Mr. March on the part of the House were*

Messrs. Barker, Beach, Beane, Beeson, Brady, Buskirk, Chowning, Crawford, Cromwell, Dice, Dobson, Donaldson, Douthit, Eccles, English, Foster, Gibson, Glazebrook, Goudy, Harrison, Hart, Hays of White, Henry, Holliday of Blackford, Hostetter, Huey, Huffstetter, Humphreys, Kent, Lavery, Leviston, Lewis, Litchfield, Major, Manson, McAllister, McConnell, McDonald, McDowell, Morris, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Smith of Marion, Stover, Struble, Stuart, Sweet, Taggart, Wells, Williams, Wilson, Withers, and Mr. Speaker—94.

Mr. Hanna of the House voted blank.

*The following Senators voted for Mr. Liston :*

Messrs. Alexander, Allen, Athon, Berry, Brugh, Crawford, Davis, Dawson, Delevan, Dougherty, Eddy, Emerson, Goodman, Hanna, Hatfield, Henton, Hester, Hickman, Hicks, Hunt, James, Kinnard, Logan, Longshore, Mickle, Miller, Milliken, Niblack, Reid, Saffer, Secrest, Slack, Sleeth, Spann, Teegarden, Walker, Washburn, and Winstandley.

*Those who voted for Mr. Liston on the part of the House were*

Messrs. Barker, Beach, Beane, Beeson, Brady, Buskirk, Chowning, Crawford, Cromwell, Dice, Dobson, Donaldson, Douthit, Eccles, English, Foster, Gibson, Glazebrook, Goudy, Harrison, Hart, Hays of White, Henry, Hostetter, Huey, Huffstetter, Humphreys, Kent, Laverty, Leviston, Lewis, Litchfield, Major, Manson, McAllister, McConnell, McDonald, McDowell, Morris, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Smith of Marion, Stover, Struble, Stuart, Sweet, Taggart, Wells, Williams, Wilson, Withers, and Mr. Speaker—94.

Mr. Hanna of the House voted blank.

*The following Senators voted for Mr. Sullivan :*

Messrs. Defrees, Dunn, Holloway, Kendall, Knowlton, Marshall, McCarty, Odell, Teegarden, and Witherow—10.

*Those who voted for Mr. Sullivan on the part of the House were,*

Messrs. Behm, Bryant, Bulla, Carpenter, Cockrum, Cowgill, Davis, Doughty, Geddes, Graham, Gunn, Hay of Clark, Helmer, Hicks, Holliday of Blackford, Hudson, Hunt, King, Lawrence, Lindsay of Howard, Mayfield, Scudder, Shanklin, Smith of Spencer, Stanfield, Staton, Stevens, Suit, Sumner, Thompson, Walker, and Watson—42.

*The following Senators voted for Mr. McDonald:*

Messrs. Defrees, Dunn, Holloway, Kendall, Knowlton, Marshall, McCarty, Odell, Teegarden and Witherow—10.

*Those who voted for Mr. McDonald on the part of the House were,*

Messrs. Behm, Bryant, Bulla, Carpenter, Cockrum, Cowgill, Davis,



Doughty, Geddes, Graham, Gunn, Hay of Clark, Helmer, Hicks, Hudson, Hunt, King, Lawrence, Lindsay of Howard, Mayfield, McDonald, Scudder, Shanklin, Smith of Spencer, Stanfield, Staton, Stevens, Suit, Sumner, Thompson, Walker, and Watson—42.

*The following Senators voted for Mr. Newman:*

Messrs. Defrees, Dunn, Holloway, Kendall, Knowlton, Marshall, McCarty, Odell, and Witherow—9.

*Those who voted for Mr. Newman on the part of the House were,*

Messrs. Behm, Bryant, Bulla, Carpenter, Cockrum, Cowgill, Cromwell, Davis, Donaldson, Geddes, Goudy, Graham, Gunn, Hay of Clark, Helmer, Hicks, Holliday of Blackford, Hostetter, Hudson, Hunt, King, Lawrence, Lindsay of Howard, Mayfield, Scudder, Shanklin, Smith of Spencer, Stanfield, Staton, Stevens, Suit, Sumner, Thompson, Walker, and Watson—45.

Walter March, Jonathan A. Liston, and George W. Carr having received a majority of the votes of all the members elected, were by the President of the Senate declared duly elected commissioners to revise, simplify and abridge the practice and pleadings of courts of justice.

The President then declared the joint Convention adjourned without day;

When the Senate returned to their chamber.

The President laid before the Senate a communication from the Treasurer of State,

Which,

On motion of Mr. Reid,

Was referred to the committee on swamp lands.

Mr. Sleeth moved to take from the table bill

No. 39. A bill providing for the changing of the titles of railroad companies in this State;

Which motion prevailed, and the bill taken up, read a third time and passed. Ayes 34, noes 13.

*Those who voted in the affirmative were,*

Messrs. Alexander, Allen, Athon, Brugh, Crawford, Davis, Defrees, Delevan, Dunn, Hanna, Henton, Hester, Hickman, Hicks, Holloway, James, Kendall, Knowlton, Logan, Longshore, Marshall, McCarty, Mickle, Miller, Milliken, Niblack, Odell, Saffer, Secrest, Slack, Sleeth, Washburn, Winsteadley and Witherow.

*Those who voted in the negative were,*

Messrs. Berry, Dawson, Dougherty, Eddy, Emerson, Goodman, Hatfield, Hunt, Kinnard, Reid, Spann, Teegarden, and Walker.

On motion by Mr. Milliken,

The title was amended.

Mr. Reid offered the following resolution:

*Resolved*, That the President appoint a committee of one from each Judicial circuit, for the purpose of districting the State for Judicial purposes into Judicial circuits, and that they report by bill or otherwise.

Which was adopted.

On motion by Mr. Eddy,

The Senate adjourned.

TUESDAY MORNING,  
January 6, 1852. }

The Senate met.

The journal of yesterday was read.

Mr. Holloway presented a petition from citizens of Jefferson county on the subject of temperance;

Which,

On his motion,

Was referred to the committee on that subject.

Mr. Eddy from the committee on Corporations submitted the following report:

MR. PRESIDENT:

The committee on Corporations, to whom was referred bill No. 42, entitled "an act to authorize Railroad Companies to borrow money and secure the repayment thereof by mortgage," have had the same under consideration, and have directed me to report it

back to the Senate, and ask that it be referred to the committee on the Judiciary, and that said committee be instructed to inquire if the Constitution confers the power upon the General Assembly to grant the legislation asked for in said bill, and especially if the first section thereof conflicts with the 23d section of the Bill of Rights contained in said Constitution.

Which report was concurred in.

Mr. Defrees offered the following resolution:

*Resolved*, That the Auditor of State be requested to furnish this Senate with a full statement of the expenses of the late Constitutional Convention, giving each item of expense separate, or as nearly so as may be, to whom paid, and for what service.

Which was adopted.

Mr. Emerson offered the following resolution:

*Resolved*, That when a bill is ordered to be printed by the Senate two hundred and fifty copies of the same shall be printed—one hundred and fifty of which shall be delivered to the door-keeper of the House by the door-keeper of the Senate for the use of the House.

Which was adopted.

Mr. Saffer introduced,

No. 43. A bill to lay off the State into districts for the election of Representatives to the Congress of the United States;

Which was read a first time, and passed to a second reading.

#### ORDERS OF THE DAY.

##### *Bills on their third reading.*

No. 9 of the House. A joint resolution in relation to newspaper postage;

Was read a third time and passed—ayes 42—noes 5.

*Those who voted in the affirmative were,*

Messrs. Alexander, Allen, Athon, Berry, Brugh, Crawford, Davis, Dawson, Defrees, Delevan, Dougherty, Eddy, Hanna, Hatfield, Henton, Hester, Hickman, Hicks, Hunt, James, Kendall, Kinnard, Knowlton, Logan, Longshore, Marshall, McCarty, Mickle, Miller,

Milliken, Odell, Reid, Saffer, Secrest, Slack, Sleeth, Spann, Teegarden, Walker, Washburn, Winstandley and Witherow.

*Those who voted in the negative were,*

Messrs. Dunn, Emerson, Holloway, and Niblack.

Mr. Emerson moved to amend the title by striking out the words "newspaper postage," and inserting in lieu thereof the words "franking privilege";

Which was agreed to.

On motion of Mr. Milliken,

The vote on the passage of House bill No. 24—a bill providing a remedy for the illegal reduction of the aggregate valuation of real estate in the several counties of this State—was reconsidered.

The question then being on the passage of the bill,

It passed—ayes 32, noes 15.

*Those who voted in the affirmative were,*

Messrs. Alexander, Berry, Crawford, Davis, Dawson, Defrees, Delevan, Dougherty, Dunn, Goodman, Hanna, Hatfield, Hicks, Holloway, Hunt, James, Kendall, Kinnard, Knowlton, Longshore, Marshall, McCarty, Mickle, Miller, Milliken, Odell, Reid, Saffer, Secrest, Sleeth, Spann, Turman, and Winstandley.

*Those who voted in the negative were,*

Messrs. Allen, Athon, Brugh, Eddy, Emerson, Henton, Hester, Hickman, Logan, Niblack, Slack Teegarden, Walker, Washburn, and Witherow.

On motion by Mr. Marshall,

The title to Senate bill No. 28 was amended so as to read as follows :

A bill to protect railroads, and the property of railroad companies and the persons and lives of passengers ; to prevent frauds and impositions upon railroad and canal companies, and to secure freights and damages in certain cases ; defining the crimes and fixing the punishments for the violation of this act ; and providing for service of process, and limiting certain actions.

No. 12 of the House. A joint resolution in relation to patents ;  
Was read a second time,

When,

Mr. Secrest moved to amend the same by inserting after the word "geological" the word "agricultural";

Which was agreed to, and the amendment ordered to be engrossed.

The following message was received from the House of Representatives, by Mr. Sites their clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof ;

No. 44. An act to extend the time of final payment for University lands, and to exempt purchasers of such lands from forfeiture of the same in certain cases, and provide for the sale of forfeited lands :

In which the concurrence of the Senate is respectfully requested.

Which bill was read a first time and passed to a second reading.

Also,

The following message was received from the House of Representatives by Mr. Sites, their clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof :

No. 56. An act making general provisions concerning courts of justice and the powers and duties of judicial officers ;

Also,

No. 12. A joint resolution in relation to patents ;

In which the concurrence of the Senate is respectfully requested.

The accompanying bill and joint resolution were each read a first time and passed to a second reading.

The President laid before the Senate the following communication from the Auditor of State :

OFFICE OF AUDITOR OF STATE, }  
INDIANAPOLIS, Dec. 24, 1851. }

HON. J. H. LANE,

*President of the Senate :*

SIR :—I beg leave to call the attention of the Senate to the fact that, in several of the counties of this State, the Boards of Equali-

zation have made great and unwarrantable reductions in the aggregate valuation of real estate, in some cases the reduction amounting to one-half of the original valuation. The unequal taxation occasioned by this action is not only in itself unjust, but a cause of general complaint.

Connected with this subject, the accompanying communication, from the auditor of Dearborn county, is respectfully submitted.

I have the honor to be, &c.,

E. W. H. ELLIS,  
*Auditor of State.*

Which,

On motion of Mr. Emerson,

Was laid on the table.

Mr. Turman gave notice that he would on to-morrow move to amend the standing rules.

Mr. Mickle moved to take from the table the resolution relative to the appropriating money for the colonization of negroes;

Which motion prevailed.

Mr. Mickle moved to strike out from the resolving clause and insert as follows:

That the committee on Finance be instructed to report a bill appropriating five thousand dollars per annum for the purpose of colonizing such negroes and mulattoes and their descendants, that were in this State on the first day of November last, and may be willing to emigrate.

Mr. Saffer moved to lay the resolution and pending amendment on the table.

Mr. Milliken called for a division of the question.

The President having decided the question divisible,

The first question was on laying the pending amendment on the table.

It was decided in the affirmative—ayes 27, noes 21.

The ayes and noes were demanded by Messrs. Miller and Milliken.

*Those who voted in the affirmative were,*

Messrs. Alexander, Allen, Athon, Brugh, Crawford, Dougherty, Emerson, Goodman, Hanna, Hatfield, Hickman, Hicks, Hunt, James, Kendall, Knowlton, Longshore, Miller, Milliken, Saffer, Slack, Sleeth, Spann, Walker, Washburn, Winstandley, and Witherow.

*Those who voted in the negative were,*

Messrs. Berry, Cravens, Davis, Dawson, Defrees, Delevan, Dunn, Eddy, Henton, Hester, Holloway, Kinnard, Marshall, McCarty, Mickle, Niblack, Odell, Reid, Secrest, Teegarden and Turman.

The question then being on laying the resolution on the table,  
It was decided in the negative—ayes 22, noes 26.

The ayes and noes were demanded by Messrs. Eddy and Dawson.

*Those who voted in the affirmative were,*

Messrs. Alexander, Allen, Athon, Berry, Brugh, Davis, Dougherty, Emerson, Goodman, Hanna, Hickman, Hicks, Hunt, James, Mickle, Miller, Saffer, Secrest, Slack, Spann, Walker and Washburn.

*Those who voted in the negative were,*

Messrs. Cravens, Crawford, Dawson, Defrees, Delevan, Dunn, Eddy, Hatfield, Henton, Hester, Holloway, Kendall, Kinnard, Knowlton, Longshore, Marshall, McCarty, Milliken, Niblack, Odell, Reid, Sleeth, Teegarden, Turman, Winstandley and Witherow.

Mr. Secrest moved so to amend as to make it a resolution of inquiry;

Which motion prevailed—ayes 35, noes 13.

Messrs. Dunn and Longshore demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Alexander, Allen, Athon, Berry, Brugh, Cravens, Crawford, Davis, Dawson, Delevan, Dougherty, Emerson, Goodman, Hanna, Hatfield, Hester, Hickman, Hicks, Hunt, James, Kendall, Kinnard, Logan, Longshore, Mickle, Miller, Saffer, Secrest, Slack, Sleeth, Spann, Turman, Walker, Washburn and Winstandley.

*Those who voted in the negative, were,*

Messrs. Defrees, Dunn, Eddy, Holloway, Knowlton, Marshall, McCarty, Milliken, Niblack, Odell, Reid, Teegarden and Witherow.

The resolution as amended, was then adopted.

The following message was received from the House, by Mr. Sites, their clerk:

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the Speaker has signed enrolled joint resolution of the House No. 8, and House bill No. 49, which I am directed to bring to the Senate for the signature of the President thereof.

Also, the following message was received from the House of Representatives, by Mr. Sites, their clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has refused to concur in the engrossed amendment of the Senate to engrossed bill of the House,

No. 31. An act to regulate visiting the Indiana Hospital for the Insane.

Mr. Athon moved that the Senate recede from their amendment ; Which motion did not prevail—ayes 7, noes 41.

The ayes and noes were demanded by Messrs. Alexander and Logan.

*Those who voted in the affirmative were,*

Messrs. Athon, Eddy, Holloway, Kendall, Marshall, McCarty, and Teegarden.

*Those who voted in the negative were,*

Messrs. Alexander, Allen, Berry, Brugh, Cravens, Crawford, Davis, Dawson, Defrees, Delevan, Dougherty, Dunn, Emerson, Goodman, Hanna, Hatfield, Henton, Hickman, Hicks, Hunt, James, Kinard, Knowlton, Logan, Longshore, Miller, Mickle, Milliken, Niblack, Odell, Reid, Saffer, Secrest, Slack, Sleeth, Spann, Turman, Walker, Washburn, Winstandley and Witherow.

Mr. Emerson offered the following resolution :

*Resolved*, That the committee on Finance be instructed to report a bill fixing the annual salaries of the following officers, at the amounts severally stated below, to-wit :

For the Governor, fifteen hundred dollars.

For Lieut. Governor and Speaker of the House of Representatives, four dollars and fifty cents for each day served and three dol-



lars for every twenty-five miles traveled by the usually traveled route.

The Judges of the supreme court, thirteen hundred dollars each.

The Judges of the circuit court, eight hundred dollars each.

The Secretary of State, eight hundred dollars.

The Treasurer of State, one thousand dollars.

The Auditor of State, one thousand dollars.

The Superintendent of Public Instruction, one thousand dollars.

State Librarian, ———— dollars.

Private Secretary to the Governor, ———— dollars.

Mr. Niblack moved to amend by striking out "800" wherever it occurs in the salary of the circuit judges, and inserting "1000 dollars."

Mr. Spann moved to postpone the further consideration of the resolution and that it be made the special order of the day for Thursday next at 2 o'clock of that day.

Which motion prevailed.

Mr. Athon from the committee on education submitted the following report:

**MR. PRESIDENT:**

The standing committee on Education to whom was referred Senate bill No. 35, relative to the county of Lagrange, have had the same under consideration, and have directed me to report that they are of the opinion that the fourth and fifth sections of "an act to increase and extend the benefits of common schools," approved January the 17th, 1849, are applicable to those counties where said law is adopted, and that the Treasurer and Auditor of the county of Lagrange are entitled to the fees specified in said sections, and they recommend the indefinite postponement of the bill and ask to be discharged from the further consideration thereof.

Which was concurred in.

The following message was received from the House of Representatives by Mr. Sites their clerk:

**MR. PRESIDENT:**

I am directed by the House of Representatives to inform the Senate that the House has concurred in the amendments of the Senate, to engrossed amendments of the House, to engrossed bill of the Senate,

No. 27. An act for the relief of persons who are likely to suffer by the destruction of the records and other writings of Clay county,

and to provide for furnishing said county with tract books, lists of canal lands, general and local laws and decisions of the supreme court, and to provide for the collection and disbursement of revenue, and to authorize the board of County Commissioners of said county to meet.

On motion by Mr. Defrees,  
The Senate adjourned.

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2 o'clock, P. M.

Senate met.

Mr. Holloway asked the use of the Senate chamber this evening for the friends of temperance ;

Which was granted by the unanimous consent of the Senate.

On motion by Mr. Reid,

The report of the select committee on Rules, together with the amendment made by said committee, was taken from the table.

On motion by Mr. Hanna,

The report and amendment were laid on the table.

Mr. Hanna gave notice that he would, on to-morrow, move to so amend the rules as to dispense with the joint committee on Phraseology and Arrangement of Bills.

On motion by Mr. Teegarden,

The Senate adjourned.

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WEDNESDAY MORNING,  
January 7, 1852.

The Senate met.

The Journal of yesterday was read.

Mr. Teegarden moved to suspend the order of business ;

Which was agreed to ;

When he offered the following resolution :

As it is generally believed that there is no law now in force prohibiting the retail of spirituous liquors; therefore,

*Resolved*, That the committee on Temperance be requested to report a bill to the Senate on that subject, at the earliest practicable period.

Which was adopted.

#### PETITIONS, MEMORIALS, &C., PRESENTED.

By Mr. Eddy;

A petition from sundry citizens of the State on the subject of township libraries;

Which,

On his motion,

Was referred to the committee on Education.

By Mr. Hester;

The petition of the Trustees of the Indiana University;

Which,

On his motion,

Was referred to a select committee of five.

The President appointed Messrs. Hester, McCarty, Miller, Milliken and Eddy, said committee.

By Mr. Milliken;

A memorial from the ladies of the county of Dearborn on the subject of temperance;

Which,

On his motion,

Was referred to the committee on that subject.

By Mr. Secrest;

The petitions of John S. Jennings, Tracy M. Oviatt and others, relative to making railroad and other stocks a basis of banking;

Which,

On his motion,

Were referred to the committee on Banks.

By Mr. Emerson;

Four petitions from citizens of Jackson county on the subject of temperance;

Which,

On his motion,

Were referred to the committee on that subject.

Mr. Winstandley, from the committee on Finance, submitted the following report:

MR. PRESIDENT:

The committee on Finance, to whom was referred a resolution of

the Senate, directing them to inquire into the propriety of inserting a provision in the revenue bill, making such reduction in the poll tax, and also in the per cent. ad valorem on real estate for State purposes, &c., &c., would respectfully state that no revenue bill as yet has been referred to them, and the Senate having no power to originate revenue bills, have directed me to report the resolution back to the Senate, and ask to be discharged from the further consideration thereof.

Which was concurred in.

Mr. Cravens, from the same committee, submitted the following report :

MR. PRESIDENT :

The committee on Finance, to whom was referred a resolution of the Senate on the subject of creating a board of equalization to equalize the assessment of real estate in the several counties of the State, have had the subject under consideration, and have directed me to report that, in the opinion of the committee, it is inexpedient to create such board, and ask to be discharged from the further consideration of the subject.

Mr. Holloway moved to refer the report to a select committee of one from each congressional district;

Which motion prevailed.

Mr. Winstandley, from the same committee, submitted the following report :

MR. PRESIDENT :

The committee on Finance, to whom was referred the petition of sundry citizens of the State in relation to the law library, have had the same under consideration, and a majority of the committee are of opinion that it is not expedient at this time to grant the prayer of the petitioners, and ask to be discharged from the further consideration thereof.

Which was concurred in.

Mr. Niblack, from the same committee, submitted the following report :

MR. PRESIDENT :

The committee on Finance, to whom was referred so much of the Governor's message as suggests the propriety of requiring holders of State scrip to present the same for payment within a limited period

of time, after which interest shall cease, have had the same under consideration, and have instructed me to report that legislation upon that subject is inexpedient at the present session of the Legislature, and ask to be discharged from the further investigation of the subject.

Which was concurred in.

Mr. Hester, from the same committee, submitted the following report :

**MR. PRESIDENT :**

The committee on Finance, to whom was referred a resolution of the Senate, to inquire into the expediency of so amending the revenue laws that real estate belonging to resident tax payers shall not be sold for taxes while the owner has sufficient personal property to pay the same, have had the same under consideration, and have directed me to report that further legislation on the subject is inexpedient, the existing laws being amply sufficient to remedy the evil complained of, and ask to be discharged from the further consideration thereof.

Which was concurred in.

Mr. Emerson, from the same committee, submitted the following report :

**MR. PRESIDENT :**

The committee on Finance, to whom was referred bill of the House No. 11, entitled "A bill to authorize the Secretary of State to furnish the clerks' offices of the several counties, copies of the general and local laws, and providing for binding the same, have had said bill under consideration, and have made sundry amendments thereto, and upon the adoption of said amendments, they recommend the passage of said bill.

Which was concurred in.

Amendments to House bill No. 11:

*First.* Insert after the word "such," in the 5th line of the first section, the word "surplus."

*Second.* After the word "laws," in the same line, insert the words "as may not be needed for other purposes."

*Third.* Strike out of the 6th and 7th lines of the same section the words "it is made the duty of."

*Fourth.* In the eighth line strike out the word "to," next after the word "county," and insert the word "may."

*Fifth.* Strike out the words "in leather," in the ninth line.

Which amendments were ordered to be engrossed for a third reading.

Mr. Niblack, from the same committee, reported as follows:

MR. PRESIDENT:

The committee on Finance, to which was referred so much of the Governor's message as relates to the domestic debt of the State, and the depositing by county treasurers the amount of State revenue on hand, and the compensation to said treasurers for the same, have had the same under consideration, and have instructed me to report that, in the opinion of said committee, legislation upon those subjects at this time is unnecessary and inexpedient; and ask to be discharged from the further consideration of the subject.

Which was concurred in.

Mr. Hester, from the same committee, reported the following:

MR. PRESIDENT:

The committee on Finance, to whom was referred the petition of Charles Mansfield and Joseph Thomas, county commissioners, Volney Wilson, county treasurer, and Joseph Anthony, county auditor, of the county of Delaware, praying the Legislature to legalize the publication of the delinquent list for said county, (it having been published only three weeks in a weekly newspaper of said county,) have had the same under consideration, and directed me to report that no legislation, in their opinion, can legalize the defect complained of; they, therefore, ask to be discharged from the further consideration of said petition, and also, of a letter of one John B. Swayze on the same subject.

Which was concurred in.

Mr. Emerson, from the same committee, reported as follows:

MR. PRESIDENT:

The committee on Finance, to whom was referred a resolution of the Senate, instructing said committee to inquire into the expediency of so amending the assessment law as to exempt from taxation all open and running accounts, have had the same under consideration, and have directed me to report that it is, in the opinion of your committee, inexpedient to legislate upon the subject, and they ask to be discharged from the further consideration thereof.

Which was concurred in.

Mr. Athon offered the following resolution :

*Resolved*, That the Senate will, the House concurring therein, adjourn from day to day at 12 meridian, to meet at 9 o'clock on the succeeding morning.

Which was not adopted.

Mr. Miller offered the following resolution :

*Resolved*, That the committee on Agriculture be requested to inquire if there is any change necessary to be made in the stray law, and report by bill or otherwise.

Which was adopted.

Mr. Emerson offered the following resolution :

*Resolved*, That when the Senate adjourns, it will adjourn to meet on to-morrow morning at 9 o'clock, and that the use of the Senate chamber be granted to Daughters of Temperance, for the remainder of the day.

Which was adopted.

On motion by Mr. Emerson,  
The Senate adjourned.

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THURSDAY MORNING, }  
January 8, 1852.

The Senate met.

The journal of yesterday was read.

Mr. Turman moved to take from the table his motion to amend the rules ;

Which was agreed to, and the following amendment adopted :

All bills and joint resolutions on a second reading, shall first be considered by the Senate in the same manner as if the Senate were in committee of the whole, before they shall be taken up and pro-

ceeded upon by the Senate, agreeably to the standing rules, unless otherwise ordered.

Mr. Reid presented a memorial from the citizens of West Union, in favor of a homestead law, and moved that it be referred to the select committee on that subject ;

Which was agreed to.

Mr. Cravens, from the committee on Finance, submitted the following report :

**MR. PRESIDENT :**

The committee to whom was referred House bill No. 15, entitled an act fixing the time at which county treasurers shall be required to make their annual settlements with county auditors and with the Auditor of State, and to authorize them to make deposits under the direction of the Treasurer of State, have had the subject under consideration, and have instructed me to report the bill back to the Senate, and recommend that it be laid on the table, and ask to be discharged from the further consideration of the subject.

Which was concurred in.

Mr. Slack from the committee on the Judiciary made the following report :

**MR. PRESIDENT :**

The Judiciary committee to which was referred bill of the House No. 52, with instructions to inquire into the expediency of making provision for compensation to the Judge of the Marion Court of Common Pleas, would report that they have had the same under consideration, and requested me to report the same back with the following amendment :

At the conclusion of the 8th section add—

And the board of Commissioners of the county of Marion are hereby authorized to make an allowance to the judge of said court for any loss he may have sustained in consequence of the business of said court, having been transferred to the Marion circuit court ;

With this amendment the committee recommend its passage.

Which report was concurred in, the bill read a second time and the amendment ordered to be engrossed for a third reading.



## BILLS INTRODUCED.

By Mr. Longshore;

No. 44. A bill to authorize the taking of the deposition of the Superintendent of the Asylum for the Insane of this State;

Which was read a first time, and passed to a second reading.

By Mr. Secrest;

No. 45. A bill to organize the circuit court and defining its powers and jurisdiction;

Which was read a first time and passed to a second reading.

The following message was received from the House of Representatives by Mr. Sites their clerk.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that the House has concurred in the engrossed amendments of the Senate to engrossed bill of the House,

No. 24, entitled an act providing for the illegal reduction of the aggregate valuation of real estate in the several counties of this State.

Also,

The following message was received from the House of Representatives, by Mr. Sites, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that the House have receded from their disagreement to the engrossed amendment of the Senate to engrossed bill of the House,

No. 31, an act to regulate visiting the Indiana Hospital for the Insane;

And have concurred in said amendment.

On motion of Mr. Niblack,

Leave of absence was granted to Mr. Saffer on account of sickness in his family.

Mr. Reid moved to suspend the order of business to enable him to offer a resolution;

Which being agreed to, he offered the following:

*Resolved*, That when the chairman of any standing committee of the Senate, is absent on account of sickness, or any other lawful cause, the member next on the list of said committee to the chairman, shall act as chairman *pro tem.*, during the absence of the chairman thereof;

Which was adopted.

#### ORDERS OF THE DAY.

##### *Bills on their Third Reading.*

No. 11 of the House. A joint resolution in relation to a donation of public lands, for a geological and topographical survey;  
Was read a third time and passed—ayes 39—noes 1.

*Those who voted in the affirmative were,*

Messrs. Alexander, Allen, Athon, Berry, Brugh, Crawford, Dawson, Defrees, Dougherty, Dunn, Eddy, Emerson, Hanna, Hatfield, Henton, Hester, Hickman, Hicks, Holloway, Hunt, James, Kendall, Kinnard, Knowlton, Logan, Longshore, McCarty, Mickle, Miller, Milliken, Niblack, Reid, Secrest, Slack, Spann, Teegarden, Walker, Washburn, and Winstandley.

Mr. Cravens voted in the negative.

On motion by Mr. Secrest,

The title was amended by inserting after the word "geological," the word "agricultural."

House bill No. 11. A bill to authorize the Secretary of State to furnish the clerk's offices of the several counties copies of the local and general laws, and providing for binding the same;

Which was read a third time, and passed—ayes 40.

*Those who voted in the affirmative were,*

Messrs. Alexander, Allen, Athon, Berry, Brugh, Cravens, Crawford, Dawson, Defrees, Delevan, Dougherty, Dunn, Eddy, Emerson, Hatfield, Henton, Hester, Hickman, Hicks, Holloway, Hunt, James, Kendall, Kinnard, Knowlton, Logan, Longshore, McCarty, Mickle, Miller, Milliken, Niblack, Reid, Secrest, Slack, Spann, Teegarden, Walker, Washburn, and Winstandley.

## BILLS ON SECOND READING.

Senate bill No. 43. A bill to lay off the State into Districts, for the election of Representatives to the Congress of the United States;  
 Was upon its second reading, when it was referred to the committee on districting the State.

House joint resolution No. 12. A joint resolution in relation to patents;  
 Was read a second time,  
 When,  
 On motion of Mr. Secrest,  
 It was referred to the committee on the Judiciary.

Bill of the House No. 44. A bill to extend the time of final payment for University lands, and to exempt purchasers of such lands from forfeiture of the same in certain cases, and to provide for the sale of forfeited lands;  
 Was read a second time,  
 When,  
 On motion of Mr. Niblack,  
 It was referred to the committee on Education.

House bill No. 56. A bill making general provisions concerning courts of justice, and the powers and duties of judicial officers;  
 Was on its second reading, when,  
 On motion of Mr. Mickle,  
 It was referred to the committee on the Organization of courts of justice.

Mr. Berry presented the petition of the President and Directors of the Brookville and Greensburg Turnpike Company;  
 Which was referred to the committee on Corporations.  
 Mr. Crawford offered the following resolution:

*Resolved*, That the committee on Education be instructed to inquire into the expediency of constituting a majority of any school district meeting a quorum to transact business for said district, after legal notice shall have been given for such district meeting.  
 Which was adopted.

On motion by Mr. Slack,  
 Senate bill No. 23 was taken from the table.  
 On motion of Mr. Dawson,  
 The bill was recommitted to the committee on the Judiciary.

Mr. Hanna moved to instruct the committee on the Judiciary as follows:

1st. Instruct said committee to strike out the section next to the last.

2d. Also, to strike out all that portion of the bill which allows the compensation of one dollar per day to trustees.

Mr. Mickle moved to lay the instructions on the table ;

Which motion prevailed.

Mr. Niblack moved to adjourn ;

Which motion was decided in the negative.

On motion of Mr. Defrees,

The Senate adjourned.

2 o'clock, P. M.

The Senate met.

Mr. Athon moved to reconsider the vote on the adoption of the amendment to the rules relative to bills and joint resolutions on their second reading, and the powers of the Lieutenant Governor therein.

Which motion prevailed.

Mr. Athon moved to strike out from the resolving clause, and insert the following :

All bills and joint resolutions on a second reading, shall first be considered by the Senate in the same manner as if the Senate were in committee of the whole, before they shall be taken up and proceeded upon by the Senate, agreeably to the standing rules, unless otherwise ordered, and while bills and joint resolutions are under consideration as above provided, the Lieutenant Governor shall have a right to join in debate and to vote, and he may call a member to fill the chair during the time the Senate shall remain in committee of the whole, and the chairman so called, shall, during such time, have the powers of a President *pro tempore*.

Which motion prevailed.

The hour having arrived, the special order of the day, it being a resolution relative to the abolition of the grand jury system, was taken up.

Mr. Emerson moved a call of the Senate ;

Which prevailed.

The Secretary proceeded with the call; when,

On motion by Mr. Emerson,

The further call was suspended.

Mr. Reid moved to amend by making it one of inquiry, and whether the same ought not to be modified and amended, so far as relates to their jurisdiction and cognizance of offences.

The question being upon the adoption of the amendment,

It was decided in the negative—ayes 22, noes 23.

The ayes and noes were demanded by Messrs. Emerson and Secrest.

*Those who voted in the affirmative were,*

Messrs. Allen, Cravens, Davis, Dougherty, Dunn, Eddy, Henton, Hicks, Hunt, James, Knowlton, Logan, McCarty, Mickle, Niblack, Reid, Secrest, Slack, Sleeth, Walker, Winstandley, and Witherow.

*Those who voted in the negative were,*

Messrs. Alexander, Athon, Berry, Brugh, Crawford, Dawson, Defrees, Delevan, Emerson, Goodman, Hanna, Hatfield, Hester, Hickman, Kendall, Kinnard, Longshore, Miller, Milliken, Odell, Spann, Teegarden, and Washburn.

Mr. Hanna moved to amend by inserting after the word abolish "or modifying."

Which was decided in the negative.

The question being upon the adoption of the resolution,

It was adopted—ayes 23, noes 23.

There being a tie, the President gave the casting vote.

The ayes and noes were demanded by Messrs. Secrest and Emerson.

*Those who voted in the affirmative were,*

Messrs. Alexander, Berry, Brugh, Defrees, Delevan, Emerson, Goodman, Hanna, Hatfield, Hester, Hickman, Kinnard, Knowlton, Longshore, Miller, Milliken, Slack, Sleeth, Spann, Teegarden, Turman, Walker, Washburn, and Mr. President.

*Those who voted in the negative were,*

Messrs. Allen, Athon, Cravens, Crawford, Davis, Dawson, Dougherty, Dunn, Eddy, Henton, Hicks, Hunt, James, Kendall, Logan, McCarty, Mickle, Niblack, Odell, Reid, Secrest, Winstandley, and Witherow.

The President laid before the Senate the following resolution from the State Board of Agriculture:

*Resolved*, That the members of the Senate and House of Representatives be requested to attend the meetings of the State Board of Agriculture now in session, when convenient, and particularly at our night sessions, and participate in the deliberations and discussions of the board; and that the secretary furnish a copy of this resolution to both Houses.

The following message was received from the House of Representatives by Mr. Sites their clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill of the Senate, with sundry engrossed amendments thereto:

No. 11. Entitled a bill for the government of the Indiana Hospital for the Insane, and the care of the Insane of Indiana;

In which amendments the concurrence of the Senate is respectfully requested.

The amendments made by the House were concurred in.

The following message was received from the House of Representatives, by Mr. Sites their clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof:

No. 60. A bill to empower railroad companies to receive lands, lots and other property in subscription of stock;

In which the concurrence of the Senate is respectfully requested.

The accompanying bill was read a first time and passed to a second reading.

On motion of Mr. Teegarden,  
The Senate adjourned.

FRIDAY MORNING, 9 o'clock, }  
January 9, 1852. }

The Senate met.

The Journal of yesterday was read.

The President appointed the following committee on the subject of a State Board of Equalization :

Messrs. Holloway, Goodman, Spann, Knowlton, Hunt, Delevan, Witherow, Odell, Kendall, and Washburn.

The following message was received from the House of Representatives, by Mr. Sites, their Clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House have concurred in the engrossed amendments of the Senate to engrossed bill of the House

No. 11. Entitled an act to authorize the Secretary of State to furnish the clerk's offices of the several counties copies of the local and general laws, and providing for binding the same ;

Also, that they have concurred in the engrossed amendments of the Senate to engrossed joint resolution of the House

No. 11. Entitled joint resolution in relation to a donation of public lands for a geological and topographical survey.

Mr. Secrest presented the petition of citizens of Putnam county, in relation to making railroad and other stocks the basis of banking ;  
Which,

On his motion,

Was referred to the committee on Corporations, without reading.

The President laid before the Senate the following communication from the Indiana State Temperance Convention, together with the resolutions, petitions, &c., accompanying the same :

INDIANAPOLIS, January 8, 1852.

HON. J. H. LANE,

*President of the Senate.*

SIR:—The undersigned, on behalf of the Indiana State Temperance Convention, beg leave, through you, to lay before the Senate

the accompanying memorials on the subject of Temperance. They are signed by about *twenty thousand* of our fellow-citizens.

We beg leave, also, to lay before the Senate the enclosed resolutions, which were adopted by the Convention, on the subject of the *license law* and the *traffic in intoxicating drinks*.

With great respect,

E. R. AMES, *Pres. Con.*

C. CARTER, *1st Vice Pres.*

J. H. JOHNSON, *2d Vice Pres.* }

*Resolved*, That we, in behalf of the Temperance men of Indiana, and the friends of humanity, respectfully request the Legislature now in session in this city, to enact a law that shall abolish all laws granting license to vend intoxicating drinks, and provide that the vender shall be liable for all damages accruing from the use of intoxicating liquors sold by him or her to individuals or the community; and to enact such laws as will effectually suppress tippling houses, and prevent selling to minors, making the possession of intoxicating liquors *prima facie* evidence of intent to violate the law; and providing that such liquor shall be confiscated, and otherwise provide a summary method of reaching the offender, and holding the personal and real property, where such liquor is sold, responsible for the payment of damages, due notice thereof having been given to the owner.

E. R. AMES, *Pres. Con.*

C. WOODWARD, }  
J. Y. ALLISON, } *Secretaries.*  
T. D. BROWN, }

Which communication, together with the accompanying papers, was referred to the committee on Temperance.

The President announced the following committee on the subject of Judicial Circuits:

Messrs. Kinnard, Cravens, Marshall, Miller, Dougherty, Davis, Walker, Teegarden, Alexander, Longshore, Dawson and Crawford.

Mr. Slack, from a select committee, submitted the following report:

MR. PRESIDENT:

The select committee to which was referred bill No. 6, with instructions to strike out the same from the enacting clause, and insert certain provisions, in compliance with said instructions, would report that they have had the same under consideration, and request-



ed me to report the same back with the amendments required, and as amended, would ask that it may be passed.

Strike out from the enacting clause and amend as follows :

That all contracts made with any negro or mulatto coming into this State hereafter, or who was not a resident of this State on the first day of November, 1851, shall be, and the same are hereby declared absolutely null and void, and no action shall be maintained thereon.

SEC. 2. Any person who shall employ any negro or mulatto who was not known to him at the time of such employment, to be a resident of the State of Indiana on the first day of November, 1851, or otherwise encourage him to remain in the State, shall, upon presentment or indictment by the proper court, be fined in any sum not less than ten dollars nor exceeding five hundred dollars.

SEC. 3. It shall be the duty of the clerks of the circuit courts in each county in this State to provide a record to be kept in their respective offices, in which shall be entered in proper columns, the names, ages, and places of birth of every negro and mulatto who was a resident of the State on the first day of November, 1851, and also those who have been born since said first day of November, 1851.

SEC. 4. It shall be the duty of said clerks to hear and receive evidence of the fact of said negroes' and mulattoes' residence, and he is hereby authorised to administer all necessary oaths and affirmations, and whenever satisfactory evidence is adduced that such negro or mulatto was a resident, as in the above section specified, he shall enter his name in the register, and give to each person thus registered a certificate thereof, attested by the seal of said court, which shall be received in all courts of justice within this State, and shall be conclusive evidence of the truth of the facts therein stated, unless set aside for fraud, on the part of the person accused of violating the law by employing or encouraging negroes and mulattoes; for which registry and certificate the clerk shall receive the sum of twenty-five cents, to be paid out of the county treasury.

SEC. 5. No negro or mulatto shall come into or settle in this State from and after the taking effect of this act, and any negro or mulatto offending against the provisions hereof, shall, upon presentment or indictment, be fined in any sum not exceeding one hundred dollars, to which may be added imprisonment in the county jail for any term of time not exceeding thirty days.

SEC. 6. It shall be the duty of the judges of the supreme, circuit, and probate courts, and justices of the peace, to take cognizance of all cases of a violation of the provisions of this act, and upon affidavit being filed, shall issue a warrant for the arrest of all persons who are charged with being guilty of a violation hereof.

SEC. 7. It shall be the duty of the officer before whom said writ is returned, to inquire into said complaint, and upon the facts appearing substantially true, as charged in the affidavit, shall require

the defendant or defendants to enter into a recognizance, with sufficient security, for his, her, or their appearance at the next term of the circuit court, and in default thereof shall commit the defendant or defendants to the jail of the proper county.

SEC. 8. It shall be the duty of all persons exercising judicial powers, and all sheriffs and constables, to arrest and prosecute all persons who violate the provisions of this act, and it shall be the duty of all courts in which a grand jury is empannelled to give this act specially in charge.

SEC. 9. All fines and forfeitures which shall be collected in pursuance to the provisions of this act, shall, by the officer collecting the same, be paid into the county treasury, to be, by the treasurer, paid into the State treasury at the time said county treasurer makes his annual settlement with the State Treasurer, to be expended by the Governor, Auditor, and Secretary of State, in the colonization of such negroes and mulattoes, and their descendants, which were in the State prior to the first day of November, 1851, and the said Auditor of State shall, from time to time, report to the General Assembly, the amount collected and expended under the provisions of this act.

Mr. Davis moved to strike out the 5th section of the amendment.

Mr. Hanna moved to postpone the further consideration of the question pending on the amendment, and the amendment to the amendment, till Monday next, at 2 o'clock.

Which motion prevailed.

On motion by Mr. Cravens,  
The Senate adjourned.

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2 o'clock, P. M.

The Senate met.

The special order of the day, it being the resolution relative to fees and salaries of State officers, was taken up.

Mr. Eddy moved a call of the Senate, which was ordered.

The Secretary proceeded to call the roll,

When,

On motion,

The call was suspended.

The question being on Mr. Niblack's motion to strike out "\$800 "

wherever it occurs in reference to the salaries of circuit judges and insert "\$1000,"

Mr. Cravens called for a division of the question.

The President having decided the question divisible,

The first question was on striking out;

It was decided in the negative—ayes 18—noes 19.

The ayes and noes were demanded by Messrs. Emerson and Spann.

*Those who voted in the affirmative were,*

Messrs. Alexander, Allen, Crawford, Eddy, Hicks, James, Kendall, Kinnard, McCarty, Mickle, Milliken, Niblack, Reid, Sleeth, Turman, Washburn, Winstandley and Witherow.

*Those who voted in the negative were,*

Messrs. Athon, Berry, Brugh, Cravens, Davis, Dawson, Defrees, Delevan, Dougherty, Emerson, Hatfield, Henton, Hickman, Hunt, Knowlton, Miller, Odeil, Spann, and Teegarden.

Mr. Mickle moved to amend as follows:

Strike out "\$1300" wherever it occurs in regard to the salaries of Supreme Judges, and insert "\$1200."

Mr. Milliken moved to amend the amendment as follows:

Strike out "\$1200," and insert "\$800."

Mr. Emerson called for a division of the question.

The President having decided the question divisible, the first question was on striking out \$1200;

Which was decided in the affirmative—ayes 27—noes 12.

The ayes and noes were demanded by Messrs. Spann and Emerson.

*Those who voted in the affirmative were,*

Messrs. Allen, Athon, Berry, Brugh, Cravens, Davis, Defrees, Delevan, Dougherty, Dunn, Eddy, Hatfield, Hickman, Hicks, Hunt, Kinnard, Knowlton, Mickle, Miller, Milliken, Niblack, Odell, Reid, Sleeth, Spann, Teegarden, and Washburn.

*Those who voted in the negative were,*

Messrs. Crawford, Dawson, Emerson, Henton, James, Kendall, Logan, Longshore, McCarty, Turman, Winstandley, and Witherow.

The question then being on inserting \$800,

It was decided in the negative—ayes 19, noes 21.

The ayes and noes were demanded by Messrs. Miller and Milliken.

*Those who voted in the affirmative were,*

Messrs. Allen, Athon, Berry, Brugh, Cravens, Crawford, Davis, Dawson, Emerson, Hunt, James, Kendall, Logan, Longshore, Mickle, Spann, Turman, Winstandley, and Witherow.

*Those who voted in the negative were,*

Messrs. Defrees, Delevan, Dougherty, Dunn, Eddy, Hatfield, Henton, Hickman, Hicks, Kinnard, Knowlton, Marshall, McCarty, Miller, Milliken, Niblack, Odell, Reid, Sleeth, Teegarden, and Washburn.

Mr. Cravens moved to insert \$1,100;

Which was not agreed to.

Mr. Miller moved to insert \$1,000;

Which was decided in the negative.

Mr. Milliken moved to insert \$800;

Which was decided in the negative—ayes 14, noes 28.

The ayes and noes were demanded by Messrs. Eddy and Emerson.

*Those who voted in the affirmative were,*

Messrs. Alexander, Allen, Brugh, Davis, Dougherty, Dunn, Eddy, Knowlton, Longshore, Milliken, Niblack, Odell, Sleeth, and Teegarden.

*Those who voted in the negative, were,*

Messrs. Athon, Berry, Cravens, Crawford, Dawson, Defrees, Delevan, Emerson, Hatfield, Henton, Hickman, Hicks, Hunt, James, Kendall, Kinnard, Logan, Marshall, McCarty, Mickle, Miller, Reid, Slack, Spann, Turman, Washburn, Winstandley and Witherow.

Mr. Milliken moved to insert \$700;

Which was decided in the negative.

Mr. Spann moved to insert \$1,050 ;

Which motion did not prevail.

Mr. Defrees moved to insert \$900 ;

Which was not agreed to.

Mr. Knowlton moved to insert \$950.

Mr. Brugh moved to insert \$1,250.

Mr. Niblack moved that the resolution and pending amendments be laid on the table ;

Which motion did not prevail.

Mr. Berry moved its indefinite postponement ;

Which was not agreed to.

The question recurring on the motion to insert \$1,250,

It was decided in the negative.

The question then being on the motion to insert \$950,

It was decided in the negative.

Mr. Dougherty moved to insert \$850 ;

Which was not agreed to.

Mr. Longshore moved to insert \$1350 ;

Which was decided in the negative.

Mr. Spann moved to reconsider the vote refusing to insert \$1,000 as the salary of the Supreme Judges ;

Which motion did not prevail.

Mr. Eddy moved to insert \$750 ;

Which motion was decided in the negative—ayes 6, noes 37.

The ayes and noes were demanded by Messrs. Spann and Emerson.

*Those who voted in the affirmative were,*

Messrs. Dougherty, Dunn, Eddy, Milliken, Niblack, and Teegarden.

*Those who voted in the negative were,*

Messrs. Alexander, Allen, Athon, Berry, Brugh, Cravens, Crawford, Davis, Dawson, Defrees, Delevan, Emerson, Hatfield, Henton, Hickman, Hicks, Hunt, James, Kendall, Kinrard, Knowlton, Logan, Longshore, Marshall, McCarty, Mickle, Miller, Odell, Reid, Secrest, Slack, Sleeth, Spann, Turman, Washburn, Winstandley, and Withers.

Mr. Mickle moved to insert \$152.

Mr. Secrest moved to amend by making the resolution one of inquiry.

Mr. Reid moved to lay the resolution on the table ;

Which motion prevailed.

Mr. Teegarden introduced,

No. 46. A joint resolution in relation to the improvement of the Harbor of Michigan city;

Which was read a first time, and passed to a second reading.

Mr. Athon moved to suspend the order of business to enable him to offer a resolution;

Which was agreed to.

Whereupon he offered the following:

*Resolved*, That the committee on Benevolent Institutions inquire into the expediency of passing a law providing for the admission of Insane persons into the Hospital for the Insane, who are from known causes considered incurable;

Which was adopted.

Mr. Miller offered the following resolution:

*Resolved*, That the committee on Corporations be instructed to examine the laws, governing the incorporation of towns for municipal purposes, and revise the same, and report by bill or otherwise;

Which was adopted.

#### BILLS INTRODUCED.

By Mr. Berry;

No. 47. A bill districting the State for the purposes of electing three Judges of the Supreme court.

Which was read a first time and passed to a second reading.

#### ORDERS OF THE DAY.

##### *Bills on their Third Reading.*

House bill,

No. 52. A bill to abolish the Marion Court of Common Pleas, and to transfer its proceedings and records to the Marion Circuit Court;

Was read a third time and passed—ayes 36, noes 3.

*Those who voted in the affirmative were,*

Messrs. Allen, Athon, Berry, Brugh, Cravens, Crawford, Davis, Dawson, Defrees, Delevan, Dougherty, Eddy, Emerson, Hatfield, Henton, Hickman, Hicks, Holloway, James, Kendall, Kinnard,

Knowlton, Logan, Longshore, McCarty, Mickle, Milliken, Niblack, Odell, Reid, Slack, Spann, Teegarden, Turman, Washburn and Winstandley.

*Those who voted in the negative were,*

Messrs. Dunn, Marshall and Witherow.

Mr. Niblack moved to amend the title by adding "and provide for the compensation of the Judge of said court."

Which motion prevailed.

And the title as amended was adopted.

#### BILLS ON THEIR SECOND READING.

House bill,

No. 60. A bill to empower Railroad Companies to receive land, lots and other property in subscription of stock.

Was read a second time, and considered as in committee of the whole, and no amendment being made it was reported to the Senate.

Ordered,

On motion by Mr. Emerson,

That the same be referred to the committee on Corporations.

Senate bill,

No. 44. A bill authorizing the taking of the deposition of the Superintendent of the Asylum for the Insane of the State.

Was read a second time and considered as in committee of the whole, and no amendment being made, it was reported to the Senate.

Ordered that it be engrossed for a third reading.

Senate bill,

No. 45. A bill to organize the Circuit Court and defining its jurisdiction.

Was upon its second reading ;

When

On motion of Mr. Reid,

It was referred to the committee on Organization of Courts.

The following message was received from the House of Representatives by Mr. Sites their clerk.

**MR. PRESIDENT:**

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof:

No. 69, entitled "a bill to authorize the formation of voluntary associations."

In which the concurrence of the Senate is respectfully requested.

Also,

The following message was received from the House of Representatives by Mr. Sites their clerk:

**MR. PRESIDENT:**

I am directed by the House of Representatives to inform the Senate that the House has adopted the following resolution:

*Resolved*, That a committee consisting of one from each Congressional district, be appointed to act with a similar committee on the part of the Senate, to inquire into the expediency of creating a State Board of Equalization, and that the Senate be requested to make the committee already appointed on this subject, a joint committee.

In which the concurrence of the Senate is respectfully requested.  
Which was reciprocated.

On motion by Mr. Reid,  
The Senate adjourned.



SATURDAY MORNING, 9 o'clock, }  
January 10, 1852. }

Senate met.

The journal of yesterday was read.

Mr. Marshall, from the committee on the Judiciary, submitted the following report:

MR. PRESIDENT:

The Judiciary committee, to which was referred bill of the House No. 42, entitled "an act authorizing rail road companies to borrow money, and to secure the re-payment thereof by mortgages," with instructions to inquire whether the Constitution confers the power upon the General Assembly to grant the legislation asked for in said bill, and especially whether the 1st section of said bill conflicts with the 23d section of the bill of rights contained in the Constitution—have had the subject under consideration and a majority of said committee are of opinion that none of the provisions of said bill conflict with any provision of the Constitution. I am, therefore, directed to report the bill back for the further action of the Senate.

The bill was read a second time, considered as in committee of the whole, and no amendment being made, it was reported to the Senate,

Whereupon,

Mr. Reid moved to amend as follows:

Amend by striking out the word "heretofore" in the 3d line, and inserting the words "which now is, or may hereafter be";

Which was adopted.

Mr. Athon moved to recommit with the following instructions:

Amend in the proper place, after the word "railroad," by inserting the words "plank and McAdamized roads."

Mr. Cravens moved to amend the instructions as follows:

Amend by adding "and all other corporations, associations, and individuals shall be entitled to the same privileges and immunities."

Mr. Hanna called for a division of the question.  
 The President having decided the question divisible,  
 The first question was on recommitting;  
 Which was decided in the negative.  
 Mr. Cravens moved to amend as follows:

“And all other corporations, associations, and individuals, shall be entitled to the same privileges and immunities.”

Mr. Milliken moved to lay the amendment on the table;  
 Which was decided in the negative—ayes 20, noes 22.  
 The ayes and noes were demanded by Messrs. Cravens and Hanna.

*Those who voted in the affirmative were,*

Messrs. Allen, Brugh, Crawford, Defrees, Delevan, Dougherty, Eddy, Hanna, Henton, Hester, Hickman, Hicks, Knowlton, McCarty, Milliken, Niblack, Reid, Secrest, Slack, and Washburn.

*Those who voted in the negative were,*

Messrs. Alexander, Athon, Berry, Cravens, Dawson, Emerson, Goodman, Hatfield, Holloway, Hunt, James, Kinnard, Logan, Longshore, Marshall, Mickle, Miller, Spann, Teegarden, Walker, Winstanley, and Witherow.

Mr. Knowlton moved to adjourn;  
 Which was decided in the negative.  
 Mr. Defrees moved to amend the amendment as follows:

Strike out the words “and individuals”;

Which was decided in the negative.

Mr. Dunn moved to amend the amendment by inserting in the proper place “at any rate not exceeding eight per cent.”

Mr. Reid moved to recommit the bill and pending amendments to a select committee;

Which was decided in the affirmative.

Messrs. Reid, Secrest and Dunn were appointed said committee.

On motion of Mr. Reid,

Messrs. Emerson and Hanna were added to the committee.

Mr. Berry moved to instruct the committee as follows:

“Add to section 1st, *Provided*, Such companies have not county or city stocks, as part of their capital stock by subscription.”

Mr. Hester moved to lay the instructions on the table ;  
Which was decided in the affirmative—ayes 28, noes 15.

The ayes and noes were demanded by Messrs. Berry and Crawford.

*Those who voted in the affirmative were,*

Messrs. Athon, Brugh, Cravens, Delevan, Dougherty, Dunn, Eddy, Henton, Hickman, Hicks, Holloway, Kinnard, Knowlton, Logan, Marshall, McCarty, Mickle, Miller, Milliken, Niblack, Odell, Reid, Slack, Sleeth, Spann, Washburn, Winsteadley, and Witherow.

*Those who voted in the negative were,*

Messrs. Alexander, Allen, Berry, Crawford, Dawson, Defrees, Emerson, Goodman, Hanna, Hatfield, Hester, Hunt, James, Longshore, and Walker.

Mr. Defrees moved to instruct the committee as follows :

Amend so that no greater interest than eight per cent. shall be received.

Mr. Emerson moved to amend the instructions by striking out " 8 per cent." and inserting " 6" ;

Which was decided in the negative—ayes 8, noes 35.

The ayes and noes were demanded by Messrs. Berry and Cravens.

*Those who voted in the affirmative were,*

Messrs. Athon, Berry, Cravens, Emerson, Hanna, Logan, Longshore, and Miller.

*Those who voted in the negative were,*

Messrs. Alexander, Allen, Brugh, Crawford, Dawson, Defrees, Delevan, Dougherty, Dunn, Eddy, Goodman, Hatfield, Henton, Hester, Hickman, Hicks, Holloway, Hunt, James, Kinnard, Knowlton, Marshall, McCarty, Mickle, Milliken, Niblack, Odell, Reid, Slack, Sleeth, Spann, Walker, Washburn, Winsteadley, and Witherow.

The question being on the adoption of the instructions,

It was decided in the affirmative—ayes 29, noes 14.

The ayes and noes were demanded by Messrs. Eddy and Delevan.

*Those who voted in the affirmative were,*

Messrs. Allen, Athon, Brugh, Dawson, Defrees, Dunn, Eddy, Goodman, Hatfield, Henton, Hester, Hickman, Hicks, Holloway, Hunt, James, Knowlton, Logan, Marshall, McCarty, Mickle, Miller, Niblack, Odell, Slack, Sleeth, Spann, Walker, Winsteadley, and Witherow.

*Those who voted in the negative were,*

Messrs. Alexander, Berry, Cravens, Crawford, Delevan, Dougherty, Emerson, Hanna, Kinnard, Longshore, Milliken, Reid, and Washburn.

Mr. Turman, from the joint committee on Enrolled Bills, submitted the following report :

MR. PRESIDENT :

The joint committee on Enrolled Bills have compared enrolled bills of the Senate numbered 20 and 27, and joint resolution of the Senate numbered 12, with the engrossed thereof, and find them correctly enrolled.

The following message was received from the House of Representatives by Mr. Sites their clerk.

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has concurred in the engrossed amendment of the Senate to engrossed bill of the House,

No. 52. An act to abolish the Marion court of common pleas, and to transfer the proceedings and records to the Marion circuit court.

Mr. Logan, from the committee on the Judiciary, submitted the following report :

MR. PRESIDENT :

The committee on the Judiciary, to whom was referred the petition of David L. Land and others, of Perry county, have had the same under consideration, and have instructed me to report the same back to the Senate for its action, and ask to be discharged from further consideration of the subject.

Which was concurred in.

Mr. Hatfield moved that the petition be referred to a select committee of three.

Which motion prevailed.

The President appointed Messrs. Hatfield, Winstandley and Miller, said committee.

Mr. McCarty, from the committee on the Affairs of the Town of Indianapolis, submitted the following report:

MR. PRESIDENT:

The committee on the Affairs of the Town of Indianapolis, to whom was referred the resolution relative to memorializing Congress on the subject of appropriating money to aid in erecting a public building in the Governor's Circle for the use of the United States, this State, and the city of Indianapolis, provided that each contribute therefor, have had the subject under consideration, and a majority have directed me to report a joint resolution on that subject, and recommend its passage.

The accompanying joint resolution was read the first time and passed to a second reading.

Mr. Reid, from the committee on the Organization of Courts of Justice, submitted the following report:

MR. PRESIDENT:

The committee on the Organization of Courts, to whom was referred a bill of the Senate for the organization of a county court in the nature of a court of common pleas, have had the same under consideration, and a majority thereof have requested me to report the same back to the Senate, with the following amendment, for the action of the Senate:

Amend by striking out from the enacting clause, and insert the following bill:

That there shall be, and hereby is organized in each county within this State, a court of record, to be called and styled the court of common pleas, to consist of one judge.

SEC. 2. The judge of said court shall be elected at general election by the qualified electors of the county in which he resides, and shall hold his office for the term of four years, and until his successor shall be elected and qualified, if he shall so long behave well; he shall be commissioned by the Governor, and before entering upon the discharge of any of the duties of his office, shall take an oath to support the Constitution of the United States and of this State, and an oath of office.

SEC. 3. No person shall be eligible to the office of judge of said court, unless he shall have attained the age of twenty one years, and

shall be at the time of his election, a qualified elector of the county in which he may be elected, nor until he shall first have obtained a certificate from a judge of a supreme court, or from the president judge of a circuit court, that he possesses the requisite legal knowledge and qualifications to discharge the duties appertaining to said office of said judge.

SEC. 4. No person shall be elected or commissioned judge of said court, who shall not have been a citizen and inhabitant within the county wherein said court is designed to be held at least one year next preceding his election or appointment, if the county shall have been so long organized; but if the county shall not have been so long organized, then within the limits of the county or counties out of which it shall have been taken.

SEC. 5. The judges are each severally required to reside within the respective counties in which they shall severally be elected, and shall hold their courts at such place as may be directed by law.

SEC. 6. The office of said judge shall become vacant upon the happening of either of the following events, at any time before the expiration of the term of said office, viz:

1st. The resignation or death of the incumbent.

2d. His removal from office.

3d. His refusal or neglect to take the oath of office.

4th. His ceasing to be a resident of the county in which the duties of his office are to be exercised.

5th. The decision of a competent tribunal, deciding his election or appointment void or his office vacant.

SEC. 7. Whenever a vacancy shall occur in the office of said judge by any of the modes specified in the next preceding section, it shall be the duty of the clerk of the circuit court of the county in which such court shall be held, to certify such vacancy, and the manner of its occurrence, to the Governor of the State: *Provided, however,* That in all cases where said office becomes vacant by reason of the resignation of the incumbent, made to the Governor, it shall not, in such case, be necessary for the clerk to certify as aforesaid.

SEC. 8. Whenever any vacancy shall occur in the office of judge, the Governor shall appoint some eligible person to fill such vacancy, and who shall exercise the duties of such office until the next general election succeeding his appointment, and until his successor shall be elected and qualified.

SEC. 9. All persons who shall be appointed by the Governor to fill a vacancy in the office of said judge as aforesaid, shall, before entering upon the duties of his office as such, take the oath of office in like manner as is in this act required of said judges who are elected by the people, and shall, in the discharge of all their duties, severally, be governed by the same rules.

SEC. 10. Each judge of said court within this State shall have the power, and it is hereby made his duty, to hold and preside over

said court in the county in which he may have been elected or appointed.

**SEC. 11.** Each court shall be a court of record and shall be called and styled "The court of Common Pleas of \_\_\_\_\_ county," according to the name of the proper county within and for which such court may be organized.

**SEC. 12.** Said court shall have a seal, to be devised by the judge thereof, who shall cause a description thereof to be recorded (provided the same has not already been done) among the records of the court.

**SEC. 13.** Said courts, in their respective counties, shall have cognizance of all suits, complaints, pleas and matters personal, mixed and real, and of all civil actions at law between party and party; of all crimes, offences and misdemeanors, (except felonies and other crimes of an equal grade punishable by imprisonment in the State Prison or death) committed within their respective counties, which shall be legally brought before them, to hear and determine the same and to pronounce sentence, judgment, and award execution according to law, except in those cases cognizance of which is given exclusively to other courts; and which jurisdiction, civil and criminal, shall be concurrent with the circuit court of the proper county.

**SEC. 14.** Each court within and for the county for which the same is organized, shall have original and exclusive jurisdiction in all matters relating to the probate of last wills and testaments, granting letters testamentary, of administration and guardianship; of all matters relating to the settlement and distribution of decedents' estates and the personal estates of minors; the examination and allowance of the accounts of executors and administrators, and of the guardians of minors, except where, in special cases, concurrent jurisdiction is given by law to some other court.

**SEC. 15.** In the following cases the circuit court and court of common pleas shall have concurrent jurisdiction:

*First.* In all suits at law or in equity, upon all demands or causes of action in favor or against heirs, devisees, legatees, executors, administrators or guardians, and their sureties and representatives.

*Second.* In the partition of real estate.

*Third.* In the assignment of dower.

*Fourth.* The appointment of a commissioner to execute a deed or any title bond given by a deceased obligor.

*Fifth.* To authorize guardians to sell and convey any real estate of their wards, in order to reduce the same to assets for the payment of the debts and liabilities of the ward, or debts and liabilities justly chargeable on their estates, and to provide for the wants, education, support or interest of minors, and the care and support of idiots and lunatics.

*Sixth.* The appointment of guardians of the insane and idiots.

**SEC. 16.** When the subject matter of any suit or proceeding of which the said court may have jurisdiction, shall be situated in two

or more counties, the court which shall first take cognizance thereof by the commencement of proceedings, shall retain the same throughout exclusively.

SEC. 17. In all suits and proceedings in which the circuit and court of common pleas shall have concurrent jurisdiction, the court first taking cognizance thereof, shall retain such cognizance exclusively, while the same may be pending in such court.

SEC. 18. If in any case cognizable in the said court, the judge thereof may be, or shall have been interested, either as counsel, executor, administrator, guardian, heir, devisee, legatee, or otherwise, such case and all matters relating thereto, shall be instituted, transacted, prosecuted, heard and determined in and before the circuit court of the same county and such circuit court shall have full and complete jurisdiction thereof, and shall be governed in all matters and things touching the same by the provisions of the law which govern the said courts in similar cases.

SEC. 19. If during the pendency of any such suit or matter, the judge of said court of common pleas shall become disqualified to hear and determine the same, for any of the causes specified in the last preceding sections, such suit or matter shall be transferred to the circuit court of such county with like effect as if the same had been instituted in such circuit court, according to the provisions of the preceding sections.

SEC. 20. Such courts in exercising the powers and jurisdiction granted to them by law, shall be governed by the same laws and restrictions that appertain to circuit courts, and in the same manner so far as the same may be applicable, and shall have power to grant and issue all writs, rules, citations, or other process, to bring any party or person into court, or to carry the orders, judgments and decrees of such courts into effect.

SEC. 21. All process issued out of the said court, and all orders and decrees made or pronounced by such court, shall be executed, returned and enforced in the same manner and under like penalties as the process, orders and decrees of the circuit court are by law to be executed, returned or enforced, unless otherwise directed by law.

SEC. 22. The said courts shall have power to grant changes of venue, upon the conditions and restrictions, and according to the usages and customs of other courts of record in this State, and shall exercise all the powers of courts of law and chancery to carry the provisions of this section into complete effect.

SEC. 23. Jurors duly summoned in such courts shall be compelled to attend in like manner and under like penalties as in circuit courts.

SEC. 24. If any or all of the jurors summoned to attend, fail to appear, or having appeared, are rejected or set aside in whole or in part, for any cause, other jurors may be summoned forthwith, in such manner as the court shall direct, and in all cases the parties may challenge jurors peremptorily, or for cause, as in the circuit courts.



SEC. 25. Whenever any issue is pending proper to be tried by a jury, a venire for a jury shall be issued by order of said court, or the same may be issued from said court at the request of either party having the right of trial by jury.

SEC. 26. Trials by jury in said court shall be governed in all cases as similar trials in the circuit courts, and writs of inquiry may in like manner be awarded and executed, the verdict of jurors be set aside and new trials granted and a venire de novo awarded.

SEC. 27. Judgment and decree may be rendered upon the verdict of such jury, judgment arrested and such other and proper order or proceeding had thereon as in other courts of record.

SEC. 28. Witnesses necessary for any party may be summoned, and their attendance enforced in like manner, and under like penalties, as in the circuit courts, and depositions may be taken for the same reasons, and in like manner, and admitted as evidence under the same rules as in such circuit courts.

SEC. 29. All process issuing out of the said court shall be tested by the clerk thereof, and signed by him, and with the exception of subpoenas for witnesses, shall be sealed with the seal of said court; and the clerk of the circuit court shall be ex officio clerk of this court.

SEC. 30. Writs of summons, of citation, of scire facias, of subpoena, and of execution, may issue as a matter of course, at any time, upon the filing of a declaration, a precipe bill, or other requisite preliminary proceeding as the case may be.

SEC. 31. Writs of attachment and distringas shall issue only where ordered by the court in regular term time, and shall be returnable at such time as the court may order or direct; and subpoenas for witnesses shall be returned at any time after service thereof, or when ordered to be returned by the party at whose instance the same may have been issued.

SEC. 32. Citations, unless required by law, shall be returned at such day of any term of the court as such court shall direct.

SEC. 33. All other process, for the return of which no specific time is required by law, shall be returnable on the first day of the term next ensuing the time of issuing the same.

SEC. 34. The jurisdiction of each of said courts, in regard to the issuing and enforcing the due return of process, shall be co-extensive with the limits of the State; and the sheriff or other proper officer of any county, into whose hands any such process shall come, shall receive, execute and return the same in like manner as he is required in cases of process issued out of any circuit court.

SEC. 35. Unless otherwise specially provided for by law, if a summons, citation, or any original or mesne process whatever, returnable to the first day of the term, is executed twenty days before the return day thereof, and the party required to appear shall fail so to do, he shall be liable to judgment or decree by reason of his default, or to an attachment for contempt, as the case may require;

and where no rules or regulations of law require a different course, such court shall proceed therein in like manner as is prescribed or required in similar cases in the circuit court.

SEC. 36. The said several courts of common pleas shall have the same power and authority, under like restrictions and rules of law, to enforce and execute their orders, rules, judgments, and decrees, that belong to circuit courts, by attachment and fine,  *fieri facias, venditioni exponas, or capias ad satisfaciendum*; and all such writs shall be issued and executed, and returnable according to the laws of this State authorising the issuing, execution, and return of such writs in the circuit court.

SEC. 37. All judgments and decrees of the said courts and executions issued thereon, shall have the same force and effect as liens upon the estate and property of the parties against whom the same may be rendered, as similar judgments and decrees in the circuit courts, and under the same rules and provisions of law.

SEC. 38. The provisions of law relating to the stay of execution, on entering recognizance of replevin bail, shall be applicable to all judgments and decrees of the said court, for the payment of a specified sum of money or costs, with like force and effect as to the principal and the bail, and the issuing and execution of process thereon, and the rights and remedies of such bail.

SEC. 39. Any person aggrieved by any order, sentence, judgment, decree or denial, of any such court, may, at his election, for the purpose of correcting any error therein, take the same to the Supreme Court of this State, or to the circuit court of the county within and for which such court was held, in like manner, and subject to the same laws, rules and regulations, by and under which judgments and decrees of the circuit court may be taken to the Supreme Court by appeal or writ of error.

SEC. 40. The circuit court to which such appeal may be taken, or in which such writ of error may be prosecuted, shall have the same jurisdiction thereof, and shall entertain, hear and determine the same in all respects as in case of appeal and writs of error in the supreme court to correct the errors of circuit courts.

SEC. 41. Such writs of error and appeals shall be granted and conducted, and execution on the judgment or decree of the said court shall be stayed or superceded on the same terms and conditions as in other cases in the supreme court.

SEC. 42. But when any such appeal or writ of error shall be taken to or brought in the circuit court, and the president judge of such court shall be disqualified from hearing and determining the same for any reason which would disqualify him from hearing and determining the same if he were the judge of the court of common pleas, as specified in the eighteenth section of this act, the clerk of such circuit court shall certify the transcript of such cause to the supreme court, and such supreme court shall determine the same as

if such appeal had in the first instance been taken to, or such writ of error had been originally brought in such supreme court.

SEC. 43. It shall be the positive duty of the courts of common pleas, ex-officio, to compel by citation and attachment, all executors, administrators and guardians, to appear at proper times and file inventories of estates entrusted to their administration, and on the settlement of estates from time to time, within reasonable periods, to make and file accounts current, or a report exhibiting fully and completely all sums which may have come into their hands on account of the trust reposed in them; and likewise all expenditures, and the exact amount remaining in their hands, and upon the final closing up of their account, or sooner if the court may deem it expedient, likewise show the deductions proper to be made therefrom for their charges and expenses as such executors, administrators and guardians, and when deemed necessary or proper, to compel a final settlement of the estates and matters entrusted to them, without any unnecessary delay.

SEC. 44. It shall be the duty of said courts to examine the bonds of all guardians, at least once in every two years, and if, upon such examination, any such courts shall have doubts of the solvency or sufficiency of the sureties in any such bond, the court shall cite such guardian to shew cause why he shall not execute a new bond, with surety or sureties to the satisfaction of the court.

SEC. 45. If upon the hearing of such matter, the court shall require a new bond with sufficient sureties, and such guardian shall fail to comply with the order of the court, he shall be removed from his said trust, and his letters revoked and recinded and another guardian appointed in his place.

SEC. 46. The said court of each county shall hold four terms in each year, commencing on the first Mondays of February, May, August, and November, and shall sit so long at each term as the business before them shall require.

SEC. 47. If, however, the board of county commissioners, or the circuit court for the county, shall happen at the time herein prescribed for the sitting of the said court, such court in that event, shall commence its term on the Monday next following such session of the board of county commissioners, or term of such circuit court.

SEC. 48. The said court for each several county in this State, shall be held at the county-seat therein, and for the purpose of doing and performing all such business as by law may be done and performed in vacation. Said several judges shall keep their offices open every day in the year, Sundays and the Fourth of July excepted, from the hour of nine o'clock of the forenoon until three o'clock of the afternoon, during which time, and at all other times within reasonable hours, when specially required by persons having business to transact in said office, they shall give attendance in person.

**SEC. 49.** Such judges in each county shall procure for their offices and courts respectively all the necessary blank books, well bound for the complete record of all causes, suits, complaints and proceedings determined in said court, and for all other purposes for which such books are required in their office or in the court over which they may each respectively preside, and likewise furnish all necessary stationery for the use of their several courts and offices.

**SEC. 50.** In all cases in which the judge of said court of common pleas shall have purchased blank books or stationery necessary for his office or the business thereof, he shall, when the same is not otherwise provided for, present his account thereof to the board of county commissioners, who shall allow the account, or so much thereof as shall be deemed just and reasonable.

**SEC. 51.** The specific articles so furnished, for which such allowance is made, shall be endorsed in a book to be kept by each of said courts for that purpose.

**SEC. 52.** The county auditor, or the clerk who keeps the records of the county board, shall draw his warrant upon the county treasurer for all such allowances, and upon presentation by the proper person, the county treasurer shall pay the same out of the county funds in his hands.

**SEC. 53.** All records, pleadings and papers of every description required to be deposited or filed in the said court, shall be filed by the clerk thereof, and the time of such filing accurately endorsed by him thereon, under his hand.

**SEC. 54.** All books, records, documents and papers of any kind required to be filed, deposited or kept in the said court, and all records, papers, documents and manuscripts belonging or appertaining to said court, or the business thereof, shall be carefully kept and preserved by the clerk thereof.

**SEC. 55.** Each judge of said court, whenever necessary so to do, shall provide two sets of record books, in one of which shall be recorded all probate causes, and in the other all other causes and proceedings required by law to be recorded.

**SEC. 56.** There shall be made a full and complete record in the proper record book, of all causes and proceedings ended and determined in said court as fully and fairly and in like manner as clerks of circuit courts are by law required to keep the same, and shall do and perform all other matters and things which by law pertains to the duties of clerk of the probate court.

**SEC. 57.** The judges of said court shall each be allowed and paid an annual salary of not less than five hundred dollars nor more than eight hundred dollars, to commence from the time of his taking the oath of office, and to be paid out of a fund to be hereafter created for the purpose of paying the salary of said judges.

**SEC. 58.** The clerk of said court shall be allowed the same fees as a compensation for his services as are allowed him for similar ser-

vices in the circuit court, to be taxed in each case as costs are taxed and collected in said circuit court.

SEC. 59. The sheriffs of the respective counties shall be *ex officio* sheriff of said court of common pleas, and shall perform his duties in the same manner, and be entitled to the same fees and compensation for his services as are allowed for similar services in the circuit court.

SEC. 60. Any two or more counties, each having less than four thousand inhabitants, may attach themselves together so as to form a district for judicial purposes, which district, by the qualified voters thereof, shall elect a judge, who shall be the judge of the courts of common pleas in said district.

SEC. 61. Where two or more counties thus unite, each county shall pay her *pro rata* proportion of the salary of said judge in equal ratio among said counties according to the number thereof.

SEC. 62. The prosecuting attorney of the circuit court shall be *ex officio* prosecuting attorney of the said court of common pleas, and shall prosecute all pleas of the State in said court, either in person or by a competent deputy, and shall receive for his services a docket fee of five dollars on every plea of not guilty, where the defendant is convicted.

SEC. 63. When the fee fund set apart for the payment of the salary of the judges of this court in any county shall not amount to the sum of five hundred dollars in any one year, then and in that case the judge or judges who may receive a less sum than five hundred dollars, on account of the deficiency thereof shall be allowed annually so long as said deficit may occur, a sum equal to said deficit, to be paid out of the county treasury in the county or counties of which he is judge.

SEC. 64. All fees and commissions collected on account of the fee fund for the payment of the judges' salary, shall be paid to the treasurer of the proper county, who shall safely keep the same, as other moneys are by him kept, belonging to the county, and who shall receive the usual commissions allowed him for the disbursment of State taxes for paying out the same.

SEC. 65. That the said fee fund of this court shall be and remain under the control of the several boards of county commissioners of the respective counties, who shall quarterly pay said judge his quarterly proportion of salary, by an order on the county treasurer to be drawn out of said fund.

SEC. 66. In all cases where said fund shall cover or exceed annually the sum of five hundred dollars, the said judge shall receive as his annual salary the amount so collected: *Provided*, The amount so received by him does not exceed eight hundred dollars.

SEC. 67. All judgments and decrees rendered and made by said court of common pleas, shall have the same lien, force and effect, in their respective counties, as the judgment and decrees of the circuit courts, and transcripts of said judgment and decrees may be filed

and recorded in other counties in this State in the same manner and shall have the same effect as judgments and decrees of circuit courts.

SEC. 68. That there shall be taxed with the usual costs taxable in the court of common pleas for the entry of each and every judgment in all civil proceedings, on the verdict of a jury or the judgment of the court on the merits of the case, the sum of two dollars and fifty cents as a docket fee for the benefit of the fee fund.

SEC. 69. There shall be charged on the settlement of all personal estates, in said court, on the amount of all moneys collected and disbursed by the administrator, executor or guardian, the following commissions for the benefit of said fee fund.

1st. For the first one thousand dollars, at a rate of not more than one half of one per centum.

2d. For all above that sum, at a rate of not exceeding one-fourth of one per centum.

3d. And upon all moneys collected and accounted for on the sales of real estate there shall be charged one-fourth of one per centum.

Which,

On motion by Mr. Reid,

Was laid upon the table and two hundred and fifty copies ordered to be printed.

Mr. Hester from a select committee submitted the following report:

MR. PRESIDENT:

The select committee to whom was referred Senate bill No. 18, have had the same under consideration, and a majority thereof have directed me to report it back to the Senate, with the accompanying amendments, by striking all out after the enacting clause, and inserting the following, and when so amended said committee recommend its passage, and they ask to be discharged from the further consideration thereof:

SECTION 1. That in addition to the property now exempt by law from sale under execution, there shall be exempt from levy and forced sale, under any process or order from any court of law or equity in this State, for debts contracted from and after the fourth day of July, in the year one thousand eight hundred and fifty-two, the lot of ground and the buildings thereon occupied as a residence, and owned by the debtor, being a householder and having a family, to the value of five hundred dollars; and in case the lot of ground with the buildings thereon owned by such debtor and occupied by him as a residence, is not worth in value the said sum of five hundred dollars, then and in that case such debtor may select and retain exempt from levy and forced sale, under any process or order as

aforesaid a sufficient amount of personal property, which together with the value of said lot of ground and the buildings thereon, shall amount in value to the sum of five hundred dollars; and in case such debtor is not the owner of a lot of ground with buildings thereon, which are occupied by him as a residence, then and in that case such debtor may select and retain exempt from levy and forced sale property of any kind or description, to the value of five hundred dollars; such exemption as to such lot of ground and the buildings thereon, shall continue after the death of such householder, for the benefit of the widow and family, some or one of them continuing to occupy such homestead until the youngest child shall become twenty-one years of age, and until the death of such widow; and no release or waiver of such exemption shall be valid unless the same shall be in writing subscribed by such householder and his wife, if any he have, and acknowledged in the same manner as conveyances of real estate are required to be acknowledged; nor shall any contract of sale of said homestead be valid unless the same shall be in writing subscribed by the wife of such householder, if he have any, and acknowledged by her in the same manner as conveyances of real estate are required to be acknowledged.

SEC. 2. No property shall by virtue of this act be exempt from sale for non-payment of taxes on assessments, or for the purchase money thereof.

SEC. 3. Whenever by virtue of an execution from any court whatever, the real or personal property of the execution defendant is about to be levied upon, and he shall desire to avail himself of the benefits of this act, the sheriff or other officer having such process, upon demand therefor by said defendant, shall, upon the plaintiff's failing so to do, select a disinterested freeholder or householder of said county, and said defendant may select another such freeholder or householder, who after being duly sworn by such officer, or other officer authorized to administer oaths, to impartially and faithfully appraise said property, shall proceed to appraise the same; if said appraisers shall not be able to agree, they shall select another such freeholder or householder, who being also sworn as aforesaid shall appraise said property.

SEC. 4. Said appraisers shall first appraise the real estate of said defendant, if he have any, and if the same in their opinion exceed in value the said sum of five hundred dollars, and if they shall find the same susceptible of division, they shall divide said real estate, setting off to the defendant the home dwelling, and so much ground contiguous thereto as will amount in value to the said sum of five hundred dollars. The remaining land, after setting off to said defendant as aforesaid, may be sold by said officer in satisfaction of said execution according to law: *Provided, however,* that the defendant may at any time within sixty days after said appraisement upon his making application in writing to said officer, pay over to him to be applied to said execution, the amount of said appraisement

over and above said sum of five hundred dollars; when said officer shall return said process to the court from whence it issued.

SEC. 5. If said defendant shall not be the owner of any real estate, said appraisers shall appraise and set off to said defendant so much of his personal property as will amount to said sum of five hundred dollars, if he shall own so much. And if he be the owner of real estate of less value than five hundred dollars, then said appraisers shall appraise and set off to said defendant so much of his personal property, if he have so much as may be necessary to make up said sum. And if, after the appraisements herein provided, no property belonging to said defendant over and above said sum of five hundred dollars, be found, then said officer shall return said process to the court from whence it issued.

SEC. 6. Upon the return of said process as hereinbefore provided, no execution shall thereafter issue in the same case until the plaintiff, his agent or attorney shall make and file an affidavit in the clerk's office of said court, that said defendant has other property not by law exempt from execution, or that defendant's real estate has increased in value to a sum greater than five hundred dollars; and upon the issuing of such second execution, the officer having the same, shall in all respects be governed by the provisions of this act.

SEC. 7. If the plaintiff, his agent or attorney so require, said defendant, at the time of said appraisalment, shall make an exhibit in writing, under oath to be administered by said officer, of all his real and personal property, which shall be returned with said process to the proper court.

SEC. 8. If said plaintiff, his agent or attorney, shall make and file an affidavit in the court from whence said process issued, that said defendant is the owner of real or personal property not by law exempt from execution, which he fraudulently conceals, the clerk of such court shall issue process against said execution defendant, commanding him to appear at the next term thereof, and answer to the charge therein contained.

SEC. 9. Upon the return of said process, served ten days before the ensuing term, or after a return of "not found," and due publication of notice as in other cases of non residents, said clerk shall docket the said case for trial at the next term of said court.

SEC. 10. Said case shall be governed in all respects by the laws regulating the trial of civil causes, except that said defendant may be examined under oath at the request of said plaintiff, touching the matters in issue, the issue in the case being the owning and fraudulently concealing of real or personal property not exempt by law from execution during the existence of said execution.

SEC. 11. If said plaintiff shall so demand it, he may have subpœna issued for said defendant to testify in said cause, and if after service thereof, said defendant shall fail to appear on the day set for



trial, or shall refuse to testify, then said issue shall be considered as decided in favor of said plaintiff.

SEC. 12. The issue herein, and the evidence thereupon, shall be submitted to a jury, and be governed in all respects by the laws now in force governing jury trials in the circuit courts.

SEC. 13. If the issue be found against said defendant, then and in that case, the court shall render judgment against him, and declare the property so found fraudulently concealed, subject to execution, and order the issuing thereof immediately.

Which,

On motion of Mr. Cravens,

Was laid on the table and 250 copies ordered to be printed.

Mr. Eddy, from a select committee, submitted the following report:

MR. PRESIDENT:

The select committee on the subject of Swamp Lands report the following bill in relation thereto:

Which bill,

No. 49. A bill to repeal certain sections of an act in relation to swamp land, approved February 11, 1851;

Was read a first time, and passed to a second reading.

Mr. Hicks, from the committee on the Practice and Pleadings of Courts of Justice, submitted the following report:

MR. PRESIDENT:

The committee on Practice and Pleadings of Courts and Criminal Law, to which was referred bill of the Senate No. 29, a bill abolishing the distinction between actions at law and suits in equity, and the forms of all such actions and suits, designating the parties to an action, and also abolishing all forms of pleading heretofore existing, and providing a simple and uniform mode of proceedings in courts of justice, have had the same under consideration, and directed me to report said bill back to the Senate and recommend that it be laid upon the table, inasmuch as the subjects embraced in said bill are by the constitution referred to commissioners appointed to revise, simplify, and abridge the rules of practice, pleadings and forms of the courts of justice.

And the committee ask to be discharged from the further consideration of the subject.

Which was concurred in.

Mr. Niblack offered the following resolution :

*Resolved*, That the committee on Benevolent Institutions be instructed to report a bill giving the boards of commissioners of the several counties power, in their discretion, to collect from the estates of insane persons the expenses of conveying them to the Indiana Hospital for the Insane, when they may have been sent to the same for care and medical treatment according to the existing laws of the State.

Which was not adopted.

Mr. Dawson offered the following resolution :

*Resolved*, That when the Senate adjourn, it will adjourn to meet at nine o'clock on Monday next.

Which was adopted.

Mr. Cravens moved to reconsider the vote on the adoption of the resolution relative to collecting the expenses of conveying insane persons to the Asylum from the estates of insane persons ;

Which was decided in the affirmative.

Mr. Niblack moved to so amend the resolution as to make it one of inquiry ;

Which was decided in the affirmative.

The resolution, as amended, was adopted.

On motion by Mr. James,

The Senate adjourned.

MONDAY MORNING, 9 o'clock, }  
January 12, 1852. }

Senate met.

The journal of Saturday was read.

Mr. Winstandley, from the committee on Corporations, submitted the following report :

MR. PRESIDENT :

The committee on Corporations, to whom was referred House

bill No. 60, entitled "A bill to empower railroad companies to receive lands, lots and other property in subscription of stock," have had the bill under consideration, and have directed me to report it back to the Senate, without amendment, and recommend its passage.

Which was concurred in, and the accompanying bill passed to a third reading.

Mr. Hester, from a select committee, submitted the following report :

MR. PRESIDENT :

The committee to whom was referred the memorial of the board of trustees of Indiana University, praying for the sale of University Square, in the town of Indianapolis, have had the same under consideration, and a majority thereof have directed me to report the same back, with the accompanying bill, which bill they recommend to be passed.

No. 50. A bill authorising the board of trustees of Indiana University to sell square No. 25, in the town of Indianapolis, and to erect a suitable building in or near said town for a medical branch of said University.

Which was read a first time, and passed to a second reading.

#### RESOLUTIONS OFFERED.

By Mr. Hatfield;

*Resolved*, That the committee on the State Prison be required to visit the prison and report to the Senate.

Which,

On motion by Mr. Cravens,  
Was laid upon the table.

#### BILLS INTRODUCED.

By Mr. Hickman;

No. 51. A bill regulating the salaries of the clerks of the circuit courts, auditors, treasurers, and recorders, of the several counties in this State.

Which was read a first time and passed to a second reading.

By Mr. Alexander;

No. 52. A bill to amend the third section of an act entitled "An act to incorporate the White River Navigation Company," approved February 13th, 1851, and to extend the rights and privileges of said company;

Was read a first time and passed to a second reading.

By Mr. Reid;

No. 23. A bill to create a fee fund for the payment of the salary of the judge of the court of common pleas, and to regulate the fees of the clerk of the circuit court and court of common pleas;

Was read a first time and passed to a second reading.

On motion by Mr. Miller,

The rules were suspended;

Whereupon, he offered the following resolution:

*Resolved*, That the committee on the Judiciary be requested to inquire into the expediency of so amending the execution law as to make executions returnable in thirty, sixty and ninety days according to the amount of the judgment, and report by bill or otherwise.

Which was adopted.

On motion by Mr. Dawson,

The rules were suspended;

Whereupon, he submitted the following report from the committee on Banks:

MR. PRESIDENT:

The committee on Banks, to whom was referred Senate bill No. 35, entitled "A bill authorising a general banking law, have had the same under consideration, and have made sundry amendments thereto, and after the adoption of which a majority of said committee have instructed me to recommend its passage.

Amend as follows:

In the 20th section after the words "loaning money," strike out the words "on real and."

Also in same section, after the words "personal security," insert the words "and not otherwise."

Strike out section twenty-six, and insert the following in lieu thereof:

SEC. —. The real estate which it shall be lawful for such person or association to purchase, hold, and convey, shall be,

*First*. Such as shall be required for its immediate accommodation in the convenient transaction of its business, or,

*Second*. Such as shall have been mortgaged to it in good faith by way of security for stock loans previously contracted, or for moneys due, or,

*Third.* Such as shall have been conveyed to it in satisfaction of debts previously contracted in the course of its dealings, or,

*Fourth.* Such as shall have been purchased at sales upon judgments, decrees, or mortgages, obtained or made for such debts, and the said person or association, shall not under this act, hold or convey real estate in any other case or for any other purpose whatever, and all such real estate not absolutely necessary for the convenient discharge of its business, shall be set up at least once a year at public sale, after having given thirty days notice of the time and place of such sale, describing the property to be sold, and the name of the mortgager, in at least one newspaper in the county where such bank, or office of such person, or association is kept, and placing three written notices in the most public places in the town, city, or village where said bank, or office is located, and shall be sold if the same will bring the amount of the debt, interest and costs for which the same may have been bought, received or taken by the said bank, or association, and which shall remain after deducting all profits received therefrom.

Strike out section twenty-seven and insert the following in lieu thereof:

SEC. —. All conveyances of real estate, as contemplated in section twenty-six of this act, shall be made to the president or such other officer as shall be designated for that purpose in the articles of association, and which said president, or officer, and his successor, or successors, from time to time may sell, assign, and convey the same from any claim thereon against any of the shareholders, or any person claiming under them.

Add the following section:

SEC. —. Every officer, agent, or clerk of said bank, or association, who shall wilfully or knowingly subscribe or make any false statement, or statements, or false entries in the books of such person or association, or shall wilfully or knowingly subscribe or exhibit false papers, with the intent to deceive any person authorized to examine as to the condition of such bank or association, or shall wilfully and knowingly subscribe or make false reports, shall be deemed guilty of felony, and shall be subjected to imprisonment at hard labor in the State prison for such term of years, as the jury trying the case may think proper, and likewise any commissioner, examiner, master in chancery, or judge, wilfully and knowingly subscribing or making any false report, shall be deemed guilty of felony and be subjected to like penalties.

On motion by Mr. Cravens,

The bill and pending amendments were postponed, and made the special order of the day for Tuesday, January 20, 1852, at 2 o'clock of that day.

The following message was received from the House of Representatives, by Mr. Sites, their Clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the Speaker has signed the following enrolled bills thereof :  
Nos. 11, 24, 31 and 52, and joint resolution No. 11 ;

Which I am directed to bring to the Senate for the signature of the President thereof.

Also,

The following message was received from the House of Representatives by Mr. Sites, their clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate, that the Speaker has signed the following enrolled bills of the Senate :

Nos. 12, 20 and 27 ;

Which I am directed to bring to the Senate for the signature of the President thereof.

#### ORDERS OF THE DAY.

##### *Bills on their Third Reading.*

Senate bill,

No. 44. A bill to authorize the taking of the deposition of the Superintendent of the Asylum for the Insane of this State ;

Was read a third time and passed—ayes 36—noes 5.

*Those who voted in the affirmative were,*

Messrs. Allen, Athon, Brugh, Cravens, Crawford, Dawson, De-frees, Delevan, Dunn, Eddy, Hanna, Hatfield, Henton, Hester, Hickman, Hicks, Holloway, Hunt, Kinnard, Knowlton, Marshall, McCarty, Mickle, Miller, Niblack, Odell, Reid, Secrest, Slack, Sleeth, Spann, Teegarden, Turman, Walker, Washburn, and Winstandley.

*Those who voted in the negative were,*

Messrs. Dougherty, Emerson, Goodman, James, and Milliken.

## BILLS ON THEIR SECOND READING.

Senate joint resolution,

No. 48. A joint resolution asking an appropriation of Congress, to erect public buildings in the city of Indianapolis;

Was read a second time, considered as in committee of the whole, no amendment being made, it was reported to the Senate, and ordered to be engrossed.

On motion of Mr. Athon,

The vote on the passage of Senate bill No. 44 was reconsidered. The question being on its passage,

On motion by Mr. Athon,

It was laid on the table.

Senate bill No. 49. A bill to repeal certain sections of an act in relation to swamp lands, approved Feb. 14th, 1851;

Was read a second time, considered as in committee of the whole. No amendment being made thereto, it was reported to the Senate, and,

On motion of Mr. Dawson,

Laid on the table.

House bill No. 69. A bill to authorize the formation of voluntary associations,

Was read by its title a second time, and  
Referred to the committee on the Judiciary.

Senate bill No. 47. A bill districting the State for the election of three judges of the supreme court,

Was read by its title a second time, and referred to the committee on districting the State for Judicial purposes.

Senate joint resolution No. 46. A joint resolution in relation to the improvement of the Harbor of Michigan City,

Was read a second time,

When,

On motion by Mr. Cravens,

It was laid on the table. Ayes 26, noes 16.

The ayes and noes were demanded by Messrs. Teegarden and Cravens.

*Those who voted in the affirmative were,*

Messrs. Allen, Athon, Brugh, Cravens, Crawford, Davis, Delevan, Dougherty, Emerson, Goodman, Hanna, Hatfield, Henton, Hickman, Hicks, Hunt, Kinnard, Logan, Mickle, Miller, Secrest, Slack, Sleeth, Spann, Walker, and Washburn.

*Those who voted in the negative were,*

Messrs. Dawson, Defrees, Dunn, Eddy, Hester, Holloway, James, Knowlton, Marshall, McCarty, Milliken, Niblack, Odell, Reid, Teegarden, and Winstandley.

Mr. Emerson moved to take from the table bill No. 40, in relation to township assessors.

Which motion did not prevail.

Mr. Turman, from the joint committee on enrolled bills, submitted the following report :

MR. PRESIDENT :

House bills numbered 11, 31, 24 and 52, and House joint resolution numbered 11, properly attested, were this day presented to the Governor for his approval, by the joint committee on enrolled bills.

Monday, Jan. 12, 1852.

The following message was received from the House of Representatives by Mr. Sites their clerk.

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof:

No. 65. A bill authorizing circuit courts to change the names of persons and corporations ;

In which the concurrence of the Senate is respectfully requested.

The accompanying bill, No. 65, was read a first time and passed to a second reading.

The President laid before the Senate a communication from the Auditor of State, relative to the expenses of the Constitutional Convention.

Mr. Hanna moved that it be laid on the table.



Mr. Dunn moved a call of the Senate;  
Which was seconded.

On motion of Mr. Eddy,  
A further call was suspended.

On motion of Mr. Dunn,  
The Senate adjourned.

2 o'clock, P. M.

Senate met.

Mr. Emerson was called to the chair.

The special order of the day being House bill No. 6, a bill carrying into effect the 13th article of the Constitution, was taken up.

The question being on the motion to strike out the 5th section, after much discussion,

On motion by Mr. Cravens,  
The Senate adjourned.

TUESDAY MORNING, }  
January 13, 1852. }

The Senate met.

The journal of yesterday was read.

**PETITIONS, MEMORIALS &C. PRESENTED.**

By Mr. Walker;

The memorial of sundry females of the State on the subject of temperance;

Which,

On his motion,

Was referred to the committee on Temperance.

By Mr. Secrest ;

A petition from sundry citizens of the State on the subject of temperance ;

Which,

On his motion,

Was referred to the committee on that subject.

By Mr. Secrest ;

A petition from G. W. Thompson, C. J. Kimball and others, on the subject of banking ;

Which,

On motion,

Was referred to the committee on Banks.

#### REPORTS.

Mr. Reid, from a select committee, submitted the following report :

**MR. PRESIDENT :**

The select committee to whom was referred bill of the House No. 42, being an act to authorise railroad companies to borrow money, &c., have had the same under consideration, and a majority thereof have requested me to report the bill back to the Senate, with the following amendments, and when adopted, to recommend its passage :

Amend the first section by striking out the word "heretofore," in the third line, and inserting the following words: "which now is, or may hereafter be."

Amend also said section by inserting after the word "parties," in the 7th line, the words "not to exceed eight per centum per annum."

The question being on concurring in the report,

It was decided in the affirmative—ayes 28, noes 16.

The ayes and noes were demanded by Messrs. Slack and Reid.

*Those who voted in the affirmative were,*

Messrs. Alexander, Athon, Brugh, Crawford, Defrees, Dunn, Eddy, Emerson, Henton, Hickman, Hunt, James, Kendall, Kinnard, Logan, Longshore, Marshall, McCarty, Milliken, Niblack, Odell, Reid, Secrest, Slack, Sleeth, and Washburn.

*Those who voted in the negative were,*

Messrs. Allen, Berry, Cravens, Davis, Dawson, Goodman, Hanna, Hatfield, Hester, Hicks, Knowlton, Mickle, Miller, Spann, Turman, and Walker.

Mr. Cravens moved to amend as follows :

Amend by adding "all other corporations, associations or individuals shall be entitled to the same privileges and immunities."

Mr. Knowlton moved to amend the amendment so as to except banks.

Which motion prevailed.

Mr. Marshall moved to amend the amendment as follows:

Amend by inserting in first section before "railroad company," "plank, McAdamised, and railroad companies."

Which motion prevailed.

Mr. Cravens moved to reconsider the vote.

Mr. Reid moved to lay the pending amendments on the table.

Mr. Emerson moved to amend so as to lay the bill on the table.

A division of the question being called for, the first question was upon laying the pending amendments on the table;

Which was decided in the affirmative.

The question then being on laying the bill on the table,

It was decided in the negative.

Mr. Slack moved to amend as follows :

Previous to the words "rail road," in the first section, add "and all plank road and McAdamised road companies, and all other corporations, associations or individuals."

Mr. Knowlton moved to amend by excepting banks ;

Which amendment was accepted.

Mr. Reid moved to amend further by excepting insurance companies.

Mr. Cravens moved to lay the motion excepting insurance companies on the table;

Which was decided in the negative—ayes 20—noes 23.

The ayes and noes being demanded by Messrs. Reid and Eddy,

*Those who voted in the affirmative were,*

Messrs. Athon, Berry, Brugh, Cravens, Crawford, Davis, Dawson,

Dougherty, Dunn, Henton, Hicks, Holloway, Marshall, Milliken, Odell, Secrest, Slack, Sleeth, Washburn and Winstandley.

*Those who voted in the negative were,*

Messrs. Defrees, Delevan, Eddy, Emerson, Goodman, Hanna, Hatfield, Hester, Hickman, Hunt, James, Kinnard, Knowlton, Logan, Longshore, McCarty, Mickle, Miller, Niblack, Reid, Spann, Turman and Walker.

Mr. Reid moved to lay the bill and pending amendments on the table.

A division of the question being called for, and the President having decided the question divisible, the first question, upon laying the pending amendments on the table;

Was decided in the negative.

The second question, upon laying the bill on the table;

It was decided in the negative—ayes 19, noes 27.

The ayes and noes were demanded by Messrs. Cravens and Reid.

*Those who voted in the affirmative were,*

Messrs. Alexander, Athon, Berry, Cravens, Crawford, Davis, Delevan, Emerson, Goodman, Hanna, Hatfield, Hester, Hicks, Kinnard, Miller, Reid, Turman, Walker, and Washburn.

*Those who voted in the negative were,*

Messrs. Athon, Brugh, Dawson, Defrees, Dougherty, Dunn, Eddy, Henton, Hickman, Holloway, Hunt, James, Kendall, Knowlton, Logan, Longshore, Marshall, McCarty, Mickle, Milliken, Niblack, Odell, Secrest, Slack, Sleeth, Spann, and Winstandley.

Mr. Niblack moved to recommit the bill and pending amendments to the committee on Corporations.

Mr. Dawson moved to indefinitely postpone the bill and pending amendments;

Which was decided in the negative—ayes 12—noes 34.

The ayes and noes were demanded by Messrs. Dawson and Cravens.

*Those who voted in the affirmative were,*

Messrs. Berry, Cravens, Davis, Dawson, Emerson, Goodman, Hanna, Hatfield, Hester, Hicks, Miller, and Walker.

*Those who voted in the negative were,*

Messrs. Alexander, Allen, Athon, Brugh, Crawford, Defrees, Delevan, Dougherty, Dunn, Eddy, Henton, Hickman, Holloway, Hunt, James, Kendall, Kinnard, Knowlton, Logan, Longshore, Marshall, McCarty, Mickle, Milliken, Niblack, Odell, Reid, Secrest, Slack, Sleeth, Spann, Turman, Washburn, and Winstandley.

The question then recurring on the motion to recommit to the committee on Corporations;

It was decided in the negative.

Mr. Eddy moved to lay the bill and pending amendments on the table;

Which motion did not prevail.

Mr. Cravens moved to recommit to the committee on Finance;

Which was not agreed to.

Mr. Cravens moved the previous question, which was seconded by the Senate.

The question being on the motion to except insurances,

It was decided in the affirmative—ayes 25, noes 20.

The ayes and noes were demanded by Messrs. Berry and Reid.

*Those who voted in the affirmative were,*

Messrs. Allen, Berry, Defrees, Delevan, Dougherty, Eddy, Emerson, Goodman, Hanna, Hatfield, Hickman, Hicks, Hunt, James, Kinnard, Knowlton, Logan, Marshall, McCarty, Reid, Secrest, Spann, Turman, Walker, and Washburn.

*Those who voted in the negative were,*

Messrs. Alexander, Athon, Brugh, Cravens, Crawford, Davis, Dawson, Dunn, Henton, Hester, Holloway, Kendall, Longshore, Mickle, Miller, Milliken, Odell, Slack, Sleeth, and Winstandley.

The question being on the adoption of the amendment to the amendment,

It was decided in the affirmative—ayes 30, noes 16.

The ayes and noes were demanded by Messrs. Cravens and Defrees.

*Those who voted in the affirmative were,*

Messrs. Athon, Berry, Brugh, Cravens, Davis, Dawson, Defrees, Delevan, Dunn, Eddy, Goodman, Hanna, Hatfield, Henton, Hickman,

Hicks, Holloway, Hunt, James, Kendall, Knowlton, Longshore, Marshall, Miller, Niblack, Odell, Slack, Sleeth, Spann, and Turman.

*Those who voted in the negative were,*

Messrs. Alexander, Allen, Crawford, Dougherty, Emerson, Hester, Kinnard, Logan, McCarty, Mickle, Milliken, Reid, Secrest, Walker, Washburn, and Winsteadley.

The question then being on ordering the amendments to be engrossed,

It was decided in the affirmative—ayes 27, noes 17.

The ayes and noes were demanded by Messrs. Reid and Cravens.

*Those who voted in the affirmative were,*

Messrs. Athon, Berry, Brugh, Dawson, Defrees, Delevan, Dunn, Eddy, Goodman, Hanna, Henton, Hickman, Holloway, Hunt, James, Kendall, Knowlton, Longshore, Marshall, Miller, Milliken, Odell, Slack, Sleeth, Spann, Turman, and Winsteadley.

*Those who voted in the negative were,*

Messrs. Alexander, Allen, Cravens, Crawford, Emerson, Hatfield, Hester, Hicks, Kinnard, Logan, McCarty, Mickle, Niblack, Reid, Secrest, Walker, and Washburn.

Mr. Hatfield, from a select committee, submitted the following report :

MR. PRESIDENT :

The select committee to whom was referred the petition of D. T. Laird and others, concerning the legalizing the acts of certain justices of the peace, have had the same under consideration, and being unable to agree on the constitutionality of the question involved in said petition, return the same to the Senate, and ask that it may be referred to the committee on Constitutional questions, and pray to be discharged from all further consideration of the subject.

Which was concurred in.

Mr. Reid offered the following resolution :

*Resolved*, That the Secretary of the Senate report to the Senate the number of assistants employed by him or the Assistant Secretary, giving the names of said assistants, the date of their engagement, and specifying their duties. Also, that the Doorkeeper report

to the Senate the number of his assistants, names, and date of engagement, and what are the particular duties which he and each one of his assistants perform.

Mr. Emerson moved to amend by inserting in the proper place the words "and chairman of committees ;"

Which was accepted ;

And the resolution, as amended, was adopted.

Mr. Emerson offered the following resolution :

*Resolved*, That the committee on Printing be instructed to report a bill revising the laws relative to the prices paid for the public printing, folding and binding.

Which was adopted.

Mr. Reid offered the following resolution :

*Resolved*, That the committee on Roads be instructed to introduce a section in the bill now under consideration before them, for the working of public highways. That when any person or persons shall work on the public highways, under the superintendence of the supervisor of any road district, an amount more than his or their annual road and labor tax, the same be credited said persons and allowed them on their subsequent road tax until the same is fully satisfied.

Which was adopted.

The following message was received from His Excellency, the Governor of the State of Indiana, by Mr. King, his private secretary :

MR. PRESIDENT :

I am directed by the Governor to inform the Senate that he has approved and signed the following bills, to-wit :

No. 20. An act giving assessors longer time to file their official bonds and take the oath of office ;

No. 27. An act to provide against the consequences ensuing, or likely to ensue, from the destruction of the books, pamphlets, papers, records, or other writings of any county in this State, or of any circuit, probate, commissioners', or other inferior court of record therein, or filed with or in the legal custody of any officer of any county in this State, and to provide for the perpetuation of testimony relative to the same ; and requiring new official bonds to be given in cases where the bonds of officers, executors, administrators and guardians have been destroyed.

No. 12. A joint resolution in favor and behalf of the Cuban prisoners, condemned by the Spanish authorities, and now imprisoned in Spain.

All of which bills originated in the Senate.

#### BILLS INTRODUCED.

By Mr. Dawson :

No. 54. A bill to provide for the payment of damages done any private property, personal or real, taken and appropriated to any incorporated company, chartered by the State of Indiana, within said State;

Which was read a first time, and passed to a second reading.

On motion by Mr. Alexander,  
The Senate adjourned.

2 o'clock, P. M.

The Senate met.

The President laid before the Senate communications from the Principal and Assistant Secretaries of the Senate, and also from the Door-keeper, relative to the number of assistants in their employ, and their several duties.

The Principal Secretary reported as his Assistants, Horace E. Carter, E. K. Bascom, and Wm. M. Noel.

The Assistant Secretary reported as his Assistants, John M. Lord and M. G. C. W. Tanner.

The Door-keeper reported in his employ, C. C. Jaquith, T. J. Patterson, Isaac Sigler, Robert Kyle and John Neff.

Which communications were,

On motion,  
Laid on the table.

#### ORDERS OF THE DAY.

##### *Bills on their Third Reading.*

No. 48 of the Senate. A joint resolution, asking an appropria-



tion of Congress to erect public buildings in the city of Indianapolis;  
 Was read a third time,  
 And did not pass—ayes 16, noes 16.

*Those who voted in the affirmative were,*

Messrs. Defrees, Dougherty, Hanna, Henton, Hickman, Hicks, Holloway, Hunt, Kendall, Kinnard, Logan, Longshore, Reid, Slack, Sleeth, and Washburn.

*Those who voted in the negative were,*

Messrs. Berry, Brugh, Cravens, Crawford, Davis, Delevan, Eddy, Emerson, Goodman, Mickel, Milliken, Niblack, Secrest, Spann, Teegarden, and Walker.

No quorum having voted,

On motion,

A call of the Senate was ordered.

The Secretary proceeded with the call,

When,

On motion,

The call was suspended.

There being a quorum present,

The Senate proceeded to a second vote on joint resolution of the Senate No. 48;

Which was decided in the negative—ayes 18—noes 19.

*Those who voted in the affirmative were,*

Messrs. Defrees, Dougherty, Hanna, Henton, Hickman, Hicks, Holloway, Hunt, Kendall, Kinnard, Knowlton, Logan, Longshore, Marshall, Reid, Slack, Sleeth, and Washburn.

*Those who voted in the negative were,*

Messrs. Allen, Berry, Brugh, Cravens, Crawford, Davis, Delevan, Eddy, Emerson, Goodman, Mickel, Miller, Milliken, Niblack, Secrest, Spann, Teegarden, Walker, and Winstandley.

House bill,

No. 60. A bill to empower Railroad companies to receive lands, lots, and other property, in subscription of stock;

Was read a third time and passed—ayes 31, noes 4.

*Those who voted in the affirmative were,*

Messrs. Berry, Brugh, Cravens, Crawford, Davis, Defrees, Delevan, Eddy, Henton, Hickman, Hicks, Holloway, Hunt, Kendall, Kinnard, Knowlton, Logan, Longshore, McCarty, Mickle, Miller, Milliken, Niblack, Reid, Secrest, Slack, Sleeth, Spann, Teegarden, Walker, Washburn and Winstandley.

*Those who voted in the negative were,*

Messrs. Dougherty, Emerson, Goodman and Hanna.

#### BILLS ON THEIR SECOND READING.

Senate bill,

No. 6. A bill to enforce the provisions of article 13 of the Constitution of Indiana.

The question was on concurring in the amendment made by the committee, and an amendment striking out the 5th section thereof.

Mr. Secrest moved to lay the amendment to the amendment on the table.

Which was decided in the negative—ayes 17, noes 20.

The ayes and noes were demanded by Messrs. Secrest and Emerson.

*Those who voted in the affirmative were,*

Messrs. Allen, Brugh, Cravens, Delevan, Emerson, Goodman, Hanna, Kinnard, Longshore, Mickle, Niblack, Secrest, Slack, Sleeth, Spann, Walker and Washburn.

*Those who voted in the negative were,*

Messrs. Berry, Crawford, Davis, Dawson, Defrees, Dougherty, Eddy, Henton, Hickman, Hicks, Holloway, Kendall, Knowlton, Logan, McCarty, Miller, Milliken, Reid, Teegarden and Winstandley.

Mr. Secrest called for a division of the question.

The President having decided the question divisible;

Mr. Emerson moved a call of the Senate;

Which was agreed to.

Mr. Knowlton moved that the further call of the Senate be suspended.

Which was decided in the negative.

On motion by Mr. Emerson,

The absentees were sent for.

Messrs. Marshall, Witherow and Woods were excused.

On motion,

The further call was suspended.

Mr. Mickle called for the previous question;

Which call was seconded by the Senate.

The question then being, "shall the main question be now put?"

It was decided in the affirmative.

The question then being on striking out the fifth section (which makes it a crime punishable by fine or imprisonment for a negro to come into this State,) of the amendments reported by the committee.

It was decided in the affirmative—ayes 23, noes 21.

The ayes and noes were demanded by Messrs. Emerson and Slack.

*Those who voted in the affirmative were,*

Messrs. Berry, Crawford, Davis, Dawson, Defrees, Dougherty, Eddy, Goodman, Henton, Hickman, Hicks, Holloway, Kendall, Kinnard, Knowlton, Logan, Longshore, McCarty, Miller, Milliken, Reid, Teegarden, and Winsteadley.

*Those who voted in the negative were,*

Messrs. Alexander, Allen, Athon, Brugh, Cravens, Delevan, Dunn, Emerson, Hanna, Hatfield, Hester, Hunt, James, Mickle, Niblack, Secrest, Slack, Sleeth, Spann, Walker and Washburn.

The question then being on the adoption of the amendments as amended,

It was decided in the affirmative—ayes 29, noes 16.

The ayes and noes were demanded by Messrs. Dunn and Slack.

*Those who voted in the affirmative were,*

Messrs. Alexander, Allen, Athon, Berry, Brugh, Cravens, Crawford, Davis, Delevan, Emerson, Hatfield, Henton, Hester, Hicks, Hunt, James, Kinnard, Knowlton, Logan, Mickle, Miller, Niblack, Secrest, Slack, Sleeth, Spann, Turman, Walker and Washburn.

*Those who voted in the negative were,*

Messrs. Dawson, Defrees, Dougherty, Dunn, Eddy, Goodman, Hanna, Hickman, Holloway, Kendall, Longshore, McCarty, Milliken, Reid, Teegarden and Winstandley.

The bill, as amended, was ordered to be engrossed for a third reading.

No. 50 of the Senate. A bill to authorise the board of trustees of Indiana University to sell square No. 25, in the town of Indianapolis, and to erect suitable buildings in or near said town for a medical branch of said University;

Was read a second time; and,

On motion by Mr. Holloway,

Was referred to the committee on the Judiciary.

No. 52. A bill to amend the third section of an act entitled "An act to incorporate the White River Navigation Company," approved February 13, 1851, and to extend the rights and privileges of said company;

Was on its second reading; when,

On motion by Mr. Alexander,

It was referred to a select committee consisting of Messrs. Alexander, Delevan, Niblack, Hester and Hicks.

No. 51. A bill regulating the salaries of clerks of the circuit court, auditors, Treasurers and recorders of the several counties in this State;

Was read a second time; and,

On motion by Mr. Mickle,

Was referred to the committee on the Organization of Courts.

No. 53. A bill to create a fee fund for the payment of the salary of the judge of the court of common pleas, and to regulate the fees of the clerk of the circuit court and court of common pleas;

Was on its second reading; when,

On motion by Mr. Reid,

It was referred to a select committee consisting of Messrs. Reid, Delevan and Hatfield.

House bill No. 65. A bill authorizing circuit courts to change the names of persons and corporations;

Was read a second time, considered as in committee of the whole.

No amendments being made thereto,

It was reported to the Senate, and ordered to be engrossed.

Mr. Cravens moved to take from the table Senate bill

No. 40. A bill providing for the election of township assessors, the taking and approval of their official bonds, taking the oath of office, prescribing the mode of assessing personal property and fixing the compensation of assessors, and repealing all acts or parts of acts conflicting with this act.

Which motion prevailed.

When the bill was ordered to be engrossed for a third reading.

The following message was received from the House of Representatives by Mr. Sites their clerk.

**MR. PRESIDENT :**

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof:

No. 62. An act for the limitation of civil actions, and for the limitation of liens of judgments upon real estate.

In which the concurrence of the Senate is respectfully requested.

The accompanying bill was read a first time and passed to a second reading.

Also, the following message was received from the House of Representatives, by Mr. Sites, their Clerk :

**MR. PRESIDENT :**

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof:

No. 76. Entitled "A bill to provide for the election of electors of President and Vice President of the United States, and the compensation of certain officers and persons in relation to elections, and repealing all laws inconsistent with this act."

Also,

No. 13. Joint resolution instructing our Senators and requesting our Representatives in Congress to procure a site for a National Armory on the waters of the Ohio River, at Evansville, in the State of Indiana.

In which the concurrence of the Senate is respectfully requested.

The accompanying bill and joint resolution were each read a first time and passed to a second reading.

Mr. Turman, from the joint committee on Enrolled Bills, submitted the following report:

**MR. PRESIDENT :**

The joint committee on Enrolled Bills have compared enrolled bill No. 11, of the Senate, with the engrossed copy thereof and the engrossed amendments of the House thereto, and made all corrections necessary.

On motion by Mr. Cravens,  
The Senate adjourned.

WEDNESDAY MORNING, }  
January 14, 1852. }

The Senate met.

The Journal of yesterday was read.

Mr. Holloway presented memorials from citizens of Centreville on the subject of temperance ;

Which,

On his motion,

Were referred to the committee on that subject.

Mr. Holloway also presented memorials from the ladies of Centreville and South Hanover, on the subject of temperance ;

Which,

On his motion,

Were referred to the same committee.

Mr. Turman laid before the Senate a communication from S. E. Alvord, Esq., on the subject of printing ;

Which,

On his motion,

Was referred to the committee on Printing.

#### REPORTS FROM COMMITTEES.

Mr. Athon, from the committee on Education, submitted the following report:

MR. PRESIDENT :

The committee on Education, to whom was referred House bill No. 44, relative to extending the final payment for University lands, and to exempt purchases of such lands from forfeiture, have had the same under consideration, and have directed me to report the bill back and recommend its passage, and ask to be discharged from the further consideration thereof.

The accompanying bill was read a second time, considered as in committee of the whole, no amendments being made thereto, it was reported to the Senate, and passed to a third reading.

Mr. Dawson moved to suspend the rules, which was agreed to, when he submitted the following report :

MR. PRESIDENT :

The committee on Banks, to whom was referred sundry petitions

praying that railroad and other stocks be the basis of banking, have had that subject under consideration, and have instructed me to report said petitions back to the Senate and recommend that they be laid on the table.

Which was concurred in.

#### RESOLUTIONS OF THE SENATE.

Mr. Athon offered the following resolution :

*Resolved*, That the Senate adjourn at 12 M., from day to day, to meet at 9 o'clock the next morning.

Which was adopted.

Mr. Emerson offered the following resolution :

*Resolved*, That the committee on the Judiciary be instructed to inquire and report upon the following interrogatories :

*First*, Is the State Printer an officer in contemplation of the Constitution?

*Second*, If such State Printer is an officer, when does the term of the present incumbent expire?

*Third*, Also inquire and report upon the same interrogatories in relation to the State Librarian.

Which was adopted.

Mr. Hester moved to suspend the order of business, to enable him to submit a report,

Which being agreed to,

He submitted the report of the Trustees of the State University ;

Which,

On motion by Mr. Emerson,

Was referred to the committee on Printing. -

Mr. Eddy offered the following resolution :

*Resolved*, That the committee on Swamp Lands be instructed to bring in a bill establishing District Land Offices for the sale of swamp lands, and for such other purposes as said committee may deem just and proper.

Which,

On his motion,

Was laid on the table.

## ORDERS OF THE DAY.

*Bills on their Third Reading.*

No. 40. A bill providing for the election of township assessors, the taking and approval of their bonds, taking the oath of office, prescribing the mode of assessing personal property, fixing the compensation of assessors, and repealing all acts or parts of acts conflicting with this act;

Which was read a third time,

When,

Mr. Dawson moved to recommit to a select committee, with the following instructions:

Strike out of the 8th section the words "charging each one so having neglected, twenty-five cents, which shall be collected by the county treasurer, for the use of said assessor, in the mode prescribed by law for the collection of taxes."

Strike out in 9th section the words "the seventh section of."

A division of the question being called for,

The President having decided the question divisible,

The first question was on recommitment to a select committee;

Which was decided in the affirmative.

Mr. Hanna moved to lay the instructions on the table;

Which motion prevailed.

Messrs. Dawson, Reid, and Alexander were appointed said committee.

On motion by Mr. Athon,

The Senate adjourned.



THURSDAY MORNING,  
January 15, 1852. }

The Senate met.

The Journal of yesterday was read.

Mr. Crawford presented the memorial of sundry ladies of the State on the subject of temperance ;

Which,

On his motion,

Was referred to the committee on that subject.

#### REPORTS FROM COMMITTEES.

Mr. Hanna, from the committee on the Judiciary, submitted the following report :

MR. PRESIDENT :

The committee on the Judiciary, to which was referred House bill No. 17, have had the same under consideration, and a majority of said committee have directed me to report the same back, with two amendments, upon the adoption of which they recommend its passage :

Strike out of the 6th line of the 2d section the word " one," and insert the word " two " instead thereof.

Strike out of the line next to the last, of said section, the word " three," and insert in the place thereof the word " six."

The accompanying bill was read a second time, considered as in committee of the whole, and no amendments having been made,

It was reported to the Senate,

When,

Mr. Dunn moved to recommit the bill to the committee on the Judiciary ;

Which motion did not prevail.

The amendments of the committee were concurred in.

Mr. Slack moved to amend section first as follows :

By striking out of said 1st section the words " that the judges of the supreme court shall appoint," and insert " that the Legislature shall elect."

Mr. Reid moved to amend the amendment as follows :

“ That at the general election, the electors of this State shall elect a reporter to report the decisions of the supreme court; and until which time the judges of said court shall appoint their own reporter.”

Which was decided in the negative—ayes 16—noes 29.

The ayes and noes were demanded by Messrs. Reid and Hanna.

*Those who voted in the affirmative were,*

Messrs. Dawson, Dougherty, Dunn, Hester, Hunt, James, Kinnard, Logan, Marshall, McCarty, Miller, Milliken, Reid, Turman, and Washburn.

*Those who voted in the negative, were,*

Messrs. Alexander, Allen, Athon, Berry, Brugh, Cravens, Crawford, Davis, Defrees, Delevan, Eddy, Emerson, Goodman, Hanna, Hatfield, Henton, Hicks, Hickman, Kendall, Knowlton, Longshore, Niblack, Secrest, Slack, Sleeth, Spann, Teegarden, Walker and Winstandley.

Mr. Secrest moved to suspend the previous order of business ;  
Which was agreed to.

Mr. Secrest moved to reconsider the vote referring House joint resolution No. 5—a joint resolution in relation to mistakes in the purchase of lands in the State of Indiana ;

Which motion prevailed.

Mr. Turman, from the joint committee on Enrolled Bills, submitted the following report :

**MR. PRESIDENT :**

The joint committee on Enrolled Bills report that Senate bill No. 11 was presented to the Governor for his approval Thursday, Jan. 15th, 1852.

The following message was received from the House of Representatives, by their clerk :

**MR. PRESIDENT :**

I am directed by the House of Representatives to inform the Senate that the Speaker has signed the following enrolled bill of the

Senate—No. 11—which I am directed to bring to the Senate for the signature of the President thereof.

Mr. Alexander moved to reconsider the vote taken on the amendment to the amendment requiring the reporter to the supreme court to be elected by the people.

After much discussion,

On motion by Mr. Mickle,

The Senate adjourned.

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FRIDAY MORNING, 9 o'clock, }  
January 16, 1852. }

The Senate met.

The Journal of yesterday was read.

Mr. Witherow presented two petitions of citizens of the State of Indiana, praying the repeal of all laws licensing the sale of intoxicating liquors, &c.;

Which,

On his motion,

Were referred to the committee on Temperance.

The consideration of the question pending at the adjournment on yesterday, relative to reconsidering the vote on electing the reporter of the supreme court by the people, was resumed.

The question being on reconsidering the vote:

It was decided in the affirmative—ayes 33, noes 10.

The ayes and noes were demanded by Messrs. Alexander and Slack.

*Those who voted in the affirmative were,*

Messrs. Alexander, Athon, Brugh, Crawford, Davis, Dawson, Defrees, Delevan, Dougherty, Dunn, Hatfield, Henton, Hester, Hickman, Hicks, Holloway, Hunt, James, Kinnard, Logan, Longshore, McCarty, Mickle, Miller, Milliken, Reid, Slack, Sleeth, Spann, Teegarden, Turman, Walker, and Washburn.

*Those who voted in the negative were,*

Messrs. Berry, Cravens, Eddy, Emerson, Hanna, Knowlton, Marshall, Niblack, Winstandley, and Witherow.

The question being on the motion to strike out, and make the office elective, and until that time to be appointed by the judges ;

A division of the question was called for.

The president having decided the question divisible, the first question was upon striking out ;

Which was decided in the affirmative—ayes 32, noes 12.

The ayes and noes were demanded by Messrs. Slack and Hester.

*Those who voted in the affirmative were,*

Messrs. Alexander, Athon, Brugh, Crawford, Davis, Defrees, Delevan, Dougherty, Dunn, Hatfield, Henton, Hester, Hickman, Hicks, Holloway, Hunt, Kendall, Kinnard, Logan, Longshore, McCarty, Mickle, Miller, Milliken, Reid, Slack, Sleeth, Spann, Teegarden, Turman, Walker and Washburn.

*Those who voted in the negative were,*

Messrs. Berry, Cravens, Dawson, Eddy, Emerson, Goodman, Hanna, Knowlton, Marshall, Niblack, Winstandley, and Witherow.

The second question was upon inserting the amendment to the amendment, making the office elective ;

Which was decided in the affirmative—ayes 41, noes 3.

The ayes and noes were demanded by Messrs. Slack and Athon.

*Those who voted in the affirmative were,*

Messrs. Alexander, Athon, Berry, Brugh, Cravens, Crawford, Davis, Dawson, Defrees, Delevan, Dougherty, Dunn, Eddy, Emerson, Goodman, Hanna, Hatfield, Henton, Hester, Hickman, Hicks, Holloway, Hunt, Kendall, Kinnard, Logan, Longshore, McCarty, Mickle, Miller, Milliken, Reid, Slack, Sleeth, Spann, Teegarden, Turman, Walker, Washburn, Winstandley, and Witherow.

*Those who voted in the negative were,*

Messrs. Knowlton, Marshall, and Niblack.

The question being on giving the judges power to appoint the reporter until the general election.

Mr. Mickle moved that it be laid on the table ;

Which was decided in the negative—ayes 19, noes 25.

The ayes and noes were demanded by Messrs. Slack and Turman.

*Those who voted in the affirmative were,*

Messrs. Alexander, Brugh, Crawford, Davis, Defrees, Hatfield, Hester, Hickman, Holloway, Kendall, Longshore, McCarty, Mickle, Slack, Sleeth, Spann, Teegarden, Turman, and Walker.

*Those who voted in the negative were,*

Messrs. Athon, Berry, Cravens, Dawson, Delevan, Dougherty, Dunn, Eddy, Emerson, Goodman, Hanna, Henton, Hicks, Hunt, James, Kinnard, Knowlton, Marshall, Miller, Milliken, Niblack, Reid, Washburn, Winstandley and Witherow.

The question then being on inserting that part of the amendment to the amendment, giving the judges power to appoint *ad interim* ; It was decided in the negative—ayes 22, noes 23.

There being a tie the President gave the casting vote.

The ayes and noes were demanded by Messrs. Slack and Turman.

*Those who voted in the affirmative were,*

Messrs. Athon, Cravens, Dawson, Delevan, Dougherty, Dunn, Eddy, Emerson, Goodman, Hanna, Hicks, Hunt, James, Kinnard, Knowlton, Marshall, Miller, Milliken, Niblack, Reid, Winstandley, and Witherow.

*Those who voted in the negative were,*

Messrs. Alexander, Berry, Brugh, Crawford, Davis, Defrees, Hatfield, Henton, Hester, Hickman, Holloway, Kendall, Longshore, McCarty, Mickle, Slack, Sleeth, Spann, Teegarden, Turman, Walker, Washburn, and Mr. President.

Mr. Defrees moved to amend as follows:

Amend so that the Legislature shall elect until the regular annual election takes place.

Which was adopted—ayes 29, noes 15.

The ayes and noes were demanded by Messrs. Slack and Witherow.

*Those who voted in the affirmative were,*

Messrs. Alexander, Athon, Brugh, Cravens, Crawford, Davis, Defrees, Delevan, Dougherty, Dunn, Hatfield, Henton, Hester, Hickman, Holloway, Kendall, Kinnard, Longshore, McCarty, Mickle, Miller, Niblack, Reid, Slack, Sleeth, Spann, Teegarden, Turman, and Walker.

*Those who voted in the negative were,*

Messrs. Berry, Dawson, Eddy, Emerson, Goodman, Hanna, Hicks, Hunt, James, Knowlton, Marshall, Milliken, Washburn, Winsteadley, and Witherow.

Mr. Niblack moved to recommit to the committee on the Judiciary, with instructions to strike out all that part relating to the copy right;

Which was decided in the negative.

Mr. Dunn moved to strike out that portion relating to the copy right;

Which was decided in the negative—ayes 18, noes 26.

The ayes and noes were demanded by Messrs. Niblack and Dunn.

*Those who voted in the affirmative were,*

Messrs. Cravens, Crawford, Dawson, Defrees, Dunn, Eddy, Emerson, Goodman, Hanna, Hatfield, Henton, James, Knowlton, Marshall, Niblack, Washburn, Winsteadley, and Witherow.

*Those who voted in the negative were,*

Messrs. Alexander, Athon, Berry, Brugh, Davis, Delevan, Dougherty, Hester, Hickman, Hicks, Holloway, Hunt, Kendall, Kinnard, Longshore, McCarty, Mickle, Miller, Milliken, Reid, Slack, Sleeth, Spann, Teegarden, Turman and Walker.

Mr. Emerson moved to amend as follows:

Add the following proviso to the 7th section:

*Provided, however,* That nothing herein contained shall be so construed as to prevent the publication of the decisions of the Supreme Court or a synopsis thereof, in any newspaper in this State.

Which was decided in the affirmative.

Mr. Hanna moved the following amendment :

Strike out November, 1847, and insert the same time, 1849.  
Which was not agreed to.

Mr. Niblack moved to amend as follows :

*Provided*, That the copy right herein secured shall not inure to the benefit of the reporter elected by the Legislature for the time being.

Which was not adopted.

The adopted amendments were ordered to be engrossed.

#### REPORTS.

Mr. Slack, from the committee on the Judiciary, submitted the following report :

MR. PRESIDENT:

The Judiciary committee, to which was referred a resolution inquiring into the expediency of so amending the law as to give justices of the peace complete jurisdiction over all cases below felony, would report that they have had the same under consideration, and requested me to report the same back, that it is inexpedient to legislate upon the subject.

Which was concurred in.

Mr. Sleeth, from the committee on the Judiciary, submitted the following report :

MR. PRESIDENT:

The Judiciary committee, to whom was referred resolution of the Senate requesting said committee to inquire into the expediency of so amending the execution law as to make executions returnable in thirty, sixty and ninety days, according to the amount of the judgment, have had that subject under consideration, and have directed me to report the same back to the Senate, and recommend that legislation thereon at this time is inexpedient.

Which was concurred in.

Mr. Hanna, from the same committee, submitted the following report :

**MR. PRESIDENT:**

The committee on the Judiciary, to which was referred bill of the Senate No. 31, have directed me to report the same back for the action of the Senate.

The accompanying bill,  
 - No. 31. A bill to declare the meaning of section two hundred and thirty-two, of chapter thirty, of the Revised Statutes of 1843;  
 Was read a second time; and,  
 On motion by Mr. Slack,  
 It was laid on the table.

Mr. Athon, from the committee on Education, submitted the following report:

**MR. PRESIDENT:**

The committee on Education, to whom was referred joint resolution No. 26—on the subject of the general government donating lands in the Vincennes district, for common school purposes—have had the same under consideration, and have directed me to report it back, and recommend its passage, with the following amendments, to-wit:

Strike out in the fourth line, in the title, the word “of”; and also strike out of the fifth line all the title after the word “schools”;

Also amend in the preamble by striking out all after the word “footing,” and insert before the word “pray,” the word “we”;

Also amend in the first section, by striking out all the section after the word “schools”;

Also, in the second section, amend by transposing the words “hereby is”;

And ask to be discharged from the further consideration thereof.

Which was concurred in,

And the joint resolution read a second time, considered as in committee of the whole, and there having been no amendments made, it was reported to the Senate, and the joint resolution, as amended, was ordered to be engrossed.

Mr. Hicks, from the same committee, submitted the following report:

**MR. PRESIDENT:**

The committee on Education, to which was referred the petition of sundry citizens of Delaware county, in relation to the sale and purchase of land upon mortgage executed by Henry Pettinger to secure a loan of school funds, and praying for the passage of an



act for the relief of said Pettinger, have had said petition under consideration, and apprehending that grave legal questions are involved, I am directed to report the same back to the Senate, with the recommendation that it be referred to the committee on the Judiciary, and ask that the committee on Education be discharged from its further consideration.

Which was concurred in.

Mr. Mickle, from the same committee, submitted the following report:

**MR. PRESIDENT :**

The committee on Education, to which was referred joint resolution of the Senate No. 7, have had the same under consideration, and a majority thereof have instructed me to report the same back to the Senate, and ask that it be referred to the committee on Phraseology and Arrangement, and ask to be discharged from the further consideration of the subject.

Which was concurred in.

Mr. Holloway, from the committee on Printing, submitted the following report :

**MR. PRESIDENT :**

The committee on Printing, to which was referred the Report of the Board of Trustees of Indiana University, have examined the same, and directed me to report the same back to the Senate, and recommend that it be laid on the table, and one thousand copies be printed for the use of the Senate.

Which was concurred in.

Mr. Hicks, from the committee on Practice and Pleadings of Courts of Justice and Criminal Law of the State, submitted the following report :

**MR. PRESIDENT :**

The committee on Pleadings, Practice in Courts of Justice, and Criminal Law, to which was referred bill of the Senate No. 19—a bill prescribing rules for the institution and carrying on of prosecutions for offences against the criminal laws, and modifying the grand jury system, as permitted by the Constitution—have had the same under consideration, and made sundry amendments thereto, which,

with said bill, I am directed by a majority of the committee to report to the Senate for its action thereon.

Amend as follows:

*First.* After the word "original" in the first line, second specification of section one, add the word "concurrent." Also, after the word "unlawfully" in the fourth line, add the words "riot, rout, malicious trespass, disturbing religious and other assemblies."

*Second.* Strike out all of the sixth specification of the second section, and insert in lieu thereof the following: 6th. The attorney for the State, before or after the grand jury is sworn, may challenge or move the discharge of any member thereof for good cause shown.

*Third.* Strike all of the seventh specification of the second section, and insert the following: 7th. Any accused person, imprisoned or upon recognizance, before or after the grand jury is sworn, may challenge or move the discharge of any member for good cause shown; and before proceeding to empanel the grand jury, the court shall cause persons imprisoned to be brought into court, and those upon recognizance to be called, to the intent that they may be present, and exercise the right herein secured; defects in the grand jury created by challenge and discharge, may be supplied as the court may award.

The question being on concurring in the report:

Mr. Emerson moved that each amendment be considered separately;

Which was agreed to.

The first amendment was concurred in.

The question being on concurring in the second amendment:

A division of the question was called for.

The President having decided the question divisible,

The first question was upon striking out.

On motion of Mr. Reid,

The bill and pending amendments were laid on the table, and 250 copies ordered to be printed.

On motion of Mr. Athon,

The vote ordering the engrossment of the amendment to House bill No. 17, providing for the election of reporter to the supreme court, was reconsidered.

Mr. Athon then moved to reconsider the vote on rejection of the amendment, taking away from the Reporter the exclusive copy right.

Mr. Reid moved to recommit to a select committee.

Which motion prevailed.

Messrs. Reid, Sleeth, Mickle, Miller and Dunn, were appointed said committee.

Mr. Reid asked to be excused from serving as chairman, and asked that Mr. Dunn be appointed in his stead.

Granted.

Mr. Emerson moved to suspend the order of business.

Which was agreed to.

The same gentleman then moved to take from the table Senate bill No. 18.

Which motion did not prevail.

Mr. Milliken moved to take from the table House bill No. 15.

Which was agreed to.

Mr. Emerson moved to recommit the bill to a select committee.

Which motion prevailed, and

Messrs. Emerson, Milliken and Marshall were appointed said committee.

#### RESOLUTIONS.

Mr. Teegarden offered the following resolution :

*Resolved*, That the committee on Swamp Lands be requested to report a provision in the bill they may report on that subject, to protect those who purchase the lands, in carrying out the object of the grant, thereby adding permanent value to adjacent lands.

Which was adopted.

Mr. Alexander offered the following resolution :

*Resolved*, That the committee on Military affairs be instructed to report a bill making a sufficient appropriation for the erection of a State Arsenal.

Mr. Knowlton moved to lay the resolution on the table.

Which motion prevailed.

Mr. Emerson offered the following resolution :

*Resolved*, That the resolution adopted on the 14th inst., dispensing with afternoon sessions, be and the same is hereby rescinded.

Which,

On his motion,

Was laid on the table.

Mr. Delevan offered the following resolution :

*Resolved*, That the committee on the Judiciary inquire whether it would be constitutional for the Boards doing county business, to lay a specific road tax in their respective counties, and report the same to the Senate.

Which was adopted.

Mr. Turman offered the following resolution :

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of so amending the statute regulating liens upon boats as to require persons seizing and detaining any canal boat for debt, to give security for costs and the damages incurred by the owner or owners of said boat by such seizure and detention, in the event the suit is not sustained.

Which was adopted.

Mr. Reid gave notice that he would, on to-morrow, move to amend the 39th rule.

The following message was received from His Excellency, the Governor, by Mr. King, his private secretary :

**MR. PRESIDENT :**

I am directed by the Governor to inform the Senate that he has approved and signed the following bill, to-wit :

No. 11. An act for the government of the Indiana Hospital for the Insane, and the care of the Insane in Indiana.

Which bill originated in the Senate.

The following message was received from the House of Representatives by Mr. Sites, their clerk :

**MR. PRESIDENT :**

I am directed by the House of Representatives to inform the Senate that the Speaker has signed the following engrossed bill thereof: No. 60, which I am directed by the House to bring to the Senate for the signature of the President thereof.

Mr. Hicks, moved to adjourn ;

Which was decided in the negative.

#### JOINT RESOLUTION.

No. 55. A joint resolution in relation to certain articles taken from cathedrals in Mexico ;

Was introduced by Mr. Holloway, and read a first time.

Mr. Reid moved to reject the joint resolution ;

Which motion was pending, when,

On motion by Mr. Washburn,

The Senate adjourned.

SATURDAY MORNING, 9 o'clock, }  
January 17, 1852. }

Senate met.

The journal of yesterday was read.

#### REPORTS.

Mr. Dawson, from the committee on the Judiciary, submitted the following report :

MR. PRESIDENT:

The committee on the Judiciary, to whom was referred a resolution of the Senate to inquire into the expediency of reporting a bill making the sheriffs *ex officio* administrator on decedent's estates, when no person is found willing to administer, have had that subject under consideration, and have instructed me to report that, in the opinion of said committee, it is inexpedient to legislate on that subject.

Which was concurred in.

Mr. Logan, from the same committee, submitted the following report :

MR. PRESIDENT:

The committee on the Judiciary, to whom was referred the joint resolution of the House No. 12, in relation to patents, have had the same under consideration, and instructed me to report the same back to the Senate, and recommend that it is inexpedient to legislate on the subject, and ask to be discharged from any further consideration of the subject.

Which was concurred in.

Mr. Emerson moved to take from the table the resolution relative to dispensing with afternoon sessions ;

Which motion prevailed.

Mr. Emerson moved to amend the resolution as follows:

"From and after the present week."

Which was decided in the affirmative.

The resolution as amended was then adopted.

Mr. Reid, in accordance with previous notice, offered the following resolution:

*Resolved*, That the 39th rule of the Senate be amended so as to read as follows:

After commitment and report thereof to the Senate, the amendments of the committee (if any) shall be read by sections by the Secretary, if demanded by any Senator.

If no division is called for, the first question shall be, Does the Senate concur in the amendments of the committee? when it shall be in order for any member to offer amendments to any of the amendments of the committee.

If any amendment is offered, the question shall be, Does the Senate adopt the amendment of the committee as amended? and so on until the whole amendments are adopted or rejected, before any amendments shall be offered to the body of the bill.

When through the amendments of the committee, as well as the amendments to the body of the bill or joint resolution, the chair shall put the question whether the bill or joint resolution (as the case may be) shall be engrossed and read a third time.

At any time before the final passage of any bill or joint resolution, the same may be recommitted.

Mr. Emerson moved to refer the resolution to a select committee.

Which was decided in the affirmative; and

Messrs. Emerson, Reid and Mickle were appointed said committee.

Mr. Dawson offered the following resolution:

*Resolved*, That the committee on Swamp Lands be instructed to inquire into the expediency of reporting a bill containing substantially the following provisions:

1st. The County Auditors and Treasurers in the respective counties in which such lands are situated, to sell the same for the highest price they will bring, not less than \$1.25 per acre.

2d. Authorize the Commissioners in each of said counties, to drain the same, the expense of which to be reimbursed to said counties respectively, out of the proceeds of the sales of Swamp Lands, to an amount not exceeding \$10,000 to each of said counties.

3d. Provide that persons who may be residing on any of said lands, shall have the right to purchase the same at \$1.25 per acre to an amount not exceeding 160 acres, or if said person, shall be unable to purchase that they may be enabled to secure the value of their said improvements.

Which was adopted.

Mr. Emerson offered the following resolution:

*Resolved*, That the committee on printing be instructed to report a bill providing for the election of State Printer by the people.

Which was adopted.

Mr. Eddy moved to suspend the order of business.

Which was agreed to.

Mr. Eddy then moved that Mr. Dawson be added to the committee on Swamp Lands.

Which was also agreed to.

Mr. Reid withdrew his motion to reject Senate joint resolution No. 25, entitled a joint resolution in relation to certain articles taken from the cathedrals in Mexico;

And the the joint resolution passed to a second reading.

Mr. Cravens moved to reconsider the vote on the passage of Senate joint resolution No. 48;

Which was decided in the affirmative—ayes 26, noes 11.

The ayes and noes were demanded by Messrs. Berry and Dawson.

*Those who voted in the affirmative were,*

Messrs. Alexander, Athon, Brugh, Cravens, Crawford, Defrees, Delevan, Dunn, Eddy, Emerson, Hanna, Hicks, Holloway, James, Kendall, Kinnard, Knowlton, McCarty, Milliken, Reid, Spann, Teegarden, Turman, Walker, Washburn, and Witherow.

*Those who voted in the negative were,*

Messrs. Berry, Davis, Dawson, Goodman, Hatfield, Hickman, Logan, Mickle, Miller, Sleeth, and Winstandley.

Mr. Emerson moved to recommit to the committee on Finance;

Which was agreed to.

#### BILLS INTRODUCED.

By Mr. Cravens;

No. 56. A bill authorizing the board of Commissioners of the county of Washington and other counties similarly situated, to appropriate the annual dividends arising on the stock owned by said counties in the New Albany and Salem Railroad Company, to the support of common schools in said counties;

Which was read a first time, and passed to a second reading.

By Mr. Emerson;

No. 57. A bill prescribing the time for the commencement of actions other than for the recovery of real property, and declaring what shall be deemed the commencement of an action;

Which was read a first time, and passed to a second reading.

By Mr. Slack;

No. 58. A bill providing for districting of the State of Indiana in Congressional districts;

Which was read a first time and passed to a second reading.

#### ORDERS OF THE DAY.

#### *Bills on their third reading.*

Joint resolution of the Senate,

No. 26. A joint resolution for the purpose of obtaining from the General Government a grant of the unsold land belonging thereto in the Vincennes district for the benefit of common schools;

Which was read a third time; when,

On motion by Mr. Athon,

It was laid on the table.

No. 5, of the House, a joint resolution in relation to mistakes in the purchase of lands in the State of Indiana,

Was read a third time and passed—ayes 35, noes 4.

#### *Those who voted in the affirmative were,*

Messrs. Alexander, Athon, Cravens, Crawford, Defrees, Delevan, Dunn, Emerson, Goodman, Hanna, Hatfield, Henton, Hester, Hickman, Hicks, Holloway, James, Kendall, Kinnard, Knowlton, Logan, McCarty, Mickle, Miller, Milliken, Reid, Slack, Sleeth, Spann, Teegarden, Turman, Walker, Washburn, Winstandley and Withersrow.

#### *Those who voted in the negative were,*

Messrs. Berry, Brugh, Davis and Dawson.

House bill No. 44. A bill to extend the time of final payment on University lands, and to exempt purchasers of such lands from for-



feiture of the same in certain cases, and to provide for the sale of forfeited lands;

Which was read a third time and passed—ayes 38, noes 1.

*Those who voted in the affirmative were,*

Messrs. Alexander, Athon, Berry, Brugh, Cravens, Crawford, Davis, Dawson, Defrees, Delevan, Dunn, Eddy, Emerson, Goodman, Hatfield, Henton, Hester, Hickman, Hicks, Holloway, James, Kendall, Kinnard, Knowlton, Logan, McCarty, Mickle, Miller, Milliken, Reid, Slack, Sleeth, Spann, Teegarden, Turman, Walker, Washburn, and Witherow.

Mr. Winstandley voted in the negative.

House bill No. 65. A bill authorizing circuit courts to change the names of persons and corporations;

Was read a third time and passed—ayes 39, noes none.

*Those who voted in the affirmative were,*

Messrs. Alexander, Athon, Berry, Brugh, Cravens, Crawford, Davis, Dawson, Defrees, Delevan, Dunn, Emerson, Goodman, Hanna, Hatfield, Henton, Hester, Hickman, Hicks, Holloway, James, Kendall, Kinnard, Knowlton, Logan, McCarty, Mickle, Miller, Milliken, Reid, Slack, Sleeth, Spann, Teegarden, Turman, Walker, Washburn, Winstandley and Witherow.

On motion by Mr. Athon,

Senate joint resolution No. 26, was taken from the table.

The question being on the passage thereof,

It passed—ayes 40, noes none.

*Those who voted in the affirmative were,*

Messrs. Alexander, Athon, Berry, Brugh, Cravens, Crawford, Davis, Dawson, Defrees, Delevan, Dunn, Eddy, Emerson, Godman, Hanna, Hatfield, Henton, Hester, Hickman, Hicks, Holloway, James, Kendall, Kinnard, Knowlton, Logan, McCarty, Mickle, Miller, Milliken, Reid, Slack, Sleeth, Spann, Teegarden, Turman, Walker, Washburn, Winstandley and Witherow.

House bill No. 42. A bill authorising railroad companies to borrow money and to secure the payment thereof by mortgages;

Was on its third reading; when,

On motion by Mr. Slack,

The vote on the engrossment thereof was reconsidered.

On motion by Mr. Mickle,

The vote on the adoption of the amendments was reconsidered.

On motion by Mr. Slack,

The bill and amendments were recommitted to a select committee of five.

Messrs. Slack, Henton, Dunn, Mickle and Kendall, were appointed said committee.

Senate bill No. 6. A bill to enforce the provisions of article 13, of the Constitution of Indiana ;

Was read a third time ; when, after debate,

Mr. Berry moved for the previous question ;

Which was seconded by the Senate.

The question being, shall the main question be now put ?

It was decided in the affirmative.

The question then being on the passage of the bill,

It was decided in the negative—ayes 23, noes 15.

*Those who voted in the affirmative were,*

Messrs. Alexander, Athon, Berry, Brugh, Crawford, Davis, Delevan, Emerson, Hanna, Hatfield, Henton, Hester, Hicks, James, Knowlton, Logan, Mickle, Miller, Slack, Sleeth, Spann, Turman, and Walker.

*Those who voted in the negative were,*

Messrs. Defrees, Dunn, Eddy, Goodman, Hickman, Holloway, Kendall, Kinnard, McCarty, Milliken, Reid, Teegarden, Washburn, Winsteadly, and Witherow.

On motion by Mr. Slack,

The order of business was suspended.

The following message was received from the House of Representatives, by Mr. Sites, their Clerk.

**MR. PRESIDENT:**

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bills thereof:

No. 67, entitled, An act to change the time of holding courts in the 8th Judicial Circuit.

Also,

No. 78, entitled, An act to provide for a uniform enumeration of the subdivisions of sections and quarter sections in the township of land in Monroe county, reserved for a State Seminary, and for making out and recording the plats of such divisions, and the compensation therefor.

In which the concurrence of the Senate is respectfully requested. The accompanying bills were each read a first time and passed to a second reading.

Mr. Hanna moved to take from the table Senate bill No. 18, a bill exempting five hundred dollars' worth of real estate from execution.

Which motion prevailed.

Mr. Hanna moved that the further consideration of the bill be postponed, and that it be made the special order of the day on Monday, the second day of February, for two o'clock of that day.

Mr. Cravens moved to amend, as to make it the special order of the day on Monday, February the 9th.

Which motion did not prevail.

The question then being on making it the special order of the day for Monday, February 2d,

It was decided in the affirmative.

On motion of Mr. Teegarden,  
The Senate adjourned.

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MOMDAY MORNING, }  
January 19, 1852. }

The Senate met.

The journal of Saturday was read.

Mr. Emerson, from a select committee, submitted the following report:

MR. PRESIDENT:

The select committee to whom was referred House bill No. 15, entitled "A bill to fix the time at which county treasurers shall be required to make their annual settlements with county auditors, and with the Auditor of State, and to authorize them to make deposits under the direction of the Treasurer of State," have had the same under consideration, and have made sundry amendments thereto, and when said amendments are adopted, they recommend the passage of said bill.

Strike out all of the first section of said bill, after the enacting clause, and insert the following in lieu thereof:

*First.* That the time at which county treasurers are now required by law to settle with the county auditors, so far as the revenue of 1851 is concerned, be, and the same is hereby extended to the first Monday in April, 1852; and that the time at which county treasurers are required to settle the State revenue account of 1851, be, and the same is hereby extended to the third Monday in April, 1852: *Provided, however,* that the several county treasurers shall make distribution of the several funds applicable to school purposes, including the amount raised by taxation, at the time now prescribed by law; and

*Second.* Strike out all of the second section except the proviso.

*Third.* Strike out the word "however," in the tenth line of the second section, and insert the word "further," in lieu thereof.

Which report was concurred in, and the amendments ordered to be engrossed for a third reading.

#### BILLS INTRODUCED.

By Mr. Miller;

No. 59. A bill authorising the boards doing county business to declare water courses navigable;

Was read a first time and passed to a second reading.

By Mr. Defrees:

No. 60. A bill to amend an act for the more effectual, just and equal assessment and valuation of the personal property, moneys, rights, credits, effects, and corporation stocks in the State of Indiana;

Was read a first time and passed to a second reading.

#### ORDERS OF THE DAY.

##### *Bills on the Second Reading.*

House bill No. 76. A bill to provide for the election of Electors of President and Vice President of the United States, and the compensation of certain officers and persons, in relation to elections, and repealing all laws inconsistent with this act;

Was read a second time; when,

On motion by Mr. Emerson,

Was referred to the committee on Elections.

House bill No. 62. A bill for the limitation of civil actions, and for the limitations of liens of judgment upon real estate;

Was read a second time; when,

On motion by Mr. Mickle,

It was referred to the committee on the Judiciary.

No. 13 of the House. A joint resolution instructing our Senators and requesting our Representatives in Congress to procure a site for

a National Armory on the waters of the Ohio River, at Evansville, in the State of Indiana;

Was read a second time, considered as in committee of the whole, and no amendments having been made thereto, it was reported to the Senate; when,

On motion by Mr. Eddy,

The joint resolution was referred to the committee on Federal Relations.

No. 54. A bill to provide for the payment of damages done any private property, personal or real, taken and appropriated by any incorporated company chartered by the State of Indiana, within said State;

Was read a second time, considered as in committee of the whole, and no amendments having been made thereto, it was reported to the Senate; when,

On motion by Mr. Eddy,

The bill was referred to the committee on Corporations.

No. 57. A bill prescribing the time for the commencement of actions other than for the recovery of real property, and declaring what shall be deemed the commencement of action;

Was read a second time by its title; when

Mr. Emerson moved to refer it to the committee on the Judiciary.

Which motion prevailed.

Senate bill No. 58. A bill providing for the districting of the State into congressional districts;

Was read a second time; when

Mr. Saffer moved to refer the same to a select committee of one from each congressional district.

Mr. Sleeth then moved that it be referred to the standing committee on Districting the State.

Mr. Mickle called for a division of the question;

And the President having decided the question divisible;

The first question being, will the Senate refer the bill?

It was decided in the negative—ayes 15, noes 24.

The ayes and noes were demanded by Messrs. Alexander and Winstandley.

*Those who voted in the affirmative were,*

Messrs. Brugh, Dawson, Delevan, Goodman, Hatfield, Henton, James, Knowlton, McCarty, Miller, Milliken, Saffer, Sleeth, Teegarden, Walker and Winstandley.

*Those who voted in the negative were,*

Messrs. Alexander, Allen, Athon, Berry, Cravens, Crawford, De-frees, Dunn, Eddy, Emerson, Hanna, Hester, Hickman, Holloway,

Kinnard, Logan, Longshore, Mickle Reid, Slack, Spann, Washburn and Witherow.

Mr. Miller moved to make it the special order of the day for Wednesday next, at 2 o'clock, P. M.

Mr. Emerson moved to amend so as to make it the special order of the day for this evening at 2 o'clock.

Mr. Dunn moved to reconsider the vote on the question to refer ; Which was decided in the negative—ayes 17, noes 23.

The ayes and noes were demanded by Messrs. Slack and Mickle.

*Those who voted in the affirmative were*

Messrs. Brugh, Dawson, Delevan, Dunn, Hatfield, Holloway, James, Knowlton, Longshore, McCarty, Miller, Milliken, Saffer, Sleeth, Teegarden, Walker, and Winstandley.

*Those who voted in the negative were,*

Messrs. Alexander, Allen, Athon, Berry, Cravens, Crawford, Defrees, Eddy, Emerson, Goodman, Hanna, Henton, Hester, Hickman, Kinnard, Logan, Mickle, Reid, Slack, Spann, Turman, Washburn, and Witherow.

The question then recurring on postponing it until Wednesday next, and making it the special order of the day for that day at 2 o'clock, P. M.:

It was decided in the affirmative—ayes 24, noes 15.

The ayes and noes were demanded by Messrs. Emerson and Slack.

*Those who voted in the affirmative were,*

Messrs. Brugh, Cravens, Dawson, Defrees, Delevan, Dunn, Goodman, Hanna, Hatfield, Henton, Holloway, James, Knowlton, Logan, Longshore, McCarty, Miller, Milliken, Reid, Saffer, Sleeth, Spann, Walker, and Washburn.

*Those who voted in the negative were,*

Messrs. Alexander, Allen, Athon, Berry, Crawford, Eddy, Emerson, Hester, Hickman, Kinnard, Mickle, Slack, Teegarden, Turman, and Witherow.

On motion of Mr. Saffer,

The committee on Districting the State were requested to report back all bills referred to them on that subject ;

When,

On motion of Mr. Emerson,  
They were discharged from the further consideration of the subject.  
Mr. Emerson moved to take from the table

Senate bill No. 49. A bill to repeal sections five, six, seven, nine, ten, eleven, twelve, thirteen and fourteen of an act entitled "an act to provide for defraying the expense of selecting the overflowed and swamp lands in the State of Indiana, and for other purposes," approved February 14, 1851 ;

Which motion prevailed.

Mr. Dawson moved to refer the bill to the committee on Swamp Lands ;

Which motion prevailed.

Senate bill No. 56. A bill authorizing the board of commissioners of the county of Washington and other counties similarly situated to appropriate the annual dividends arising on the stock owned by said counties in the New Albany and Salem Railroad Company, to the support of common schools in said counties ;

Was read a second time, when

On motion by Mr. Mickle,

It was referred to the committee on Education.

House bill No. 67. A bill to change the time of holding circuit courts in the eighth judicial circuit ;

Was read a second time by its title, when,

On motion by Mr. Walker,

It was referred to a select committee.

The President announced Messrs. Walker, Henton, and Kendall, said committee.

House bill No. 78. A bill to provide for the uniform enumeration of the sub-divisions of sections and quarter sections in the townships of land in Monroe county, reserved for a State Seminary, and for making out and recording the plats of such sub-divisions, and the compensation therefor ;

Was read a second time, considered as in committee of the whole, reported to the Senate without amendment, and ordered to a third reading.

On motion of Mr. Mickle,

The Senate adjourned.

2 o'clock, P. M.

The Senate met.

Senate joint resolution No. 55. A joint resolution in relation to certain articles taken from cathedrals in Mexico ;

Was read a second time, considered as in committee of the whole, no amendment being made thereto, it was reported to the Senate, When,

Mr. Emerson moved to refer the same to a select committee ;

Pending which,

Mr. Athon offered the following resolution :

*Resolved*, That the use of this chamber be granted this evening to Mr. A. D. Wright, for the purpose of delivering a lecture on common school education.

Which was adopted.

When,

On motion by Mr. Sleeth,  
The Senate adjourned.

TUESDAY MORNING,  
January 20, 1852. }

The Senate met.

The journal of yesterday was read.

#### PETITIONS, MEMORIALS AND REMONSTRANCES.

Mr. Crawford presented the petition of citizens of the State, praying the repeal of all laws licensing the traffic in intoxicating liquors, &c.;

Which,

On his motion,

Was referred to the committee on Temperance.



Mr. Hatfield presented the petition of sundry German citizens of Perry county, in reference to a benevolent association ;

Which,

On his motion,

Was referred to the committee on Corporations.

Mr. Turman presented the petition of citizens of Fountain, praying the passage of a law authorizing the President Judges to call sessions of the grand jury at any time ;

Which,

On his motion,

Was referred to the committee on pleadings and practice of courts of justice, and criminal law of the State.

#### REPORTS.

Mr. Mickle, from the committee on districting the State, submitted the following report :

MR. PRESIDENT :

The committee appointed to district the State into Congressional districts, not being able to come to any satisfactory arrangement, and in accordance with the request of the Senate, herewith return all bills, resolutions, and petitions which have been referred to them on that subject.

Mr. Emerson moved to lay the accompanying bills on the table ;  
Which was decided in the affirmative.

Mr. Turman, from the committee on enrolled bills, submitted the following report :

MR. PRESIDENT :

The joint committee on enrolled bills report, that they have this day presented House bill No. 60 to the Governor for his approval.

Also, that on comparing enrolled bills Nos. 44 and 65 of the House, with the engrossed copies thereof, they find them correct.

Also, that joint resolution of the House, No. 5, is correctly enrolled.

#### ORDERS OF THE DAY.

##### *Bills on their third reading.*

House bill No. 78. A bill to provide for a uniform enumeration of the subdivisions of sections and quarter sections in the township of land in Monroe county, reserved for a State Seminary, and for

making out and recording the plats of such subdivisions, and the compensation thereof;

Was read a third time and passed: ayes 33, noes 5.

*Those who voted in the affirmative were,*

Messrs. Allen, Athon, Brugh, Crawford, Davis, Delevan, Dunn, Eddy, Goodman, Hanna, Hatfield, Henton, Hester, Holloway, Hunt, James, Kinnard, Knowlton, Logan, Longshore, Mickle, Miller, Milliken, Reid, Saffer, Slack, Sleeth, Spann, Teegarden, Walker, Washburn, Winstandley, and Witherow.

*Those who voted in the negative were,*

Messrs. Alexander, Cravens, Dougherty, Emerson and Hickman.

Ordered, that the Secretary inform the House thereof.

House bill No. 15. A bill to fix the time at which county treasurers shall be required to make their annual settlements with county auditors, and with the Auditor of State, and to authorize them to make deposits under the direction of the Treasurer of State;

Was read a third time and passed: ayes 40, noes 1.

*Those who voted in the affirmative were,*

Messrs. Alexander, Allen, Athon, Brugh, Cravens, Crawford, Davis, Defrees, Delevan, Dougherty, Dunn, Eddy, Emerson, Goodman, Hanna, Hatfield, Henton, Hester, Hickman, Holloway, Hunt, James, Kinnard, Knowlton, Logan, Longshore, Mickle, Miller, Milliken, Reid, Saffer, Slack, Sleeth, Spann, Teegarden, Turman, Walker, Washburn, Winstandley, and Witherow.

Mr. Berry voted in the negative.

On motion by Mr. Emerson,

The title was amended by adding the words "so far as the revenue of 1851 is concerned."

Ordered, that the Secretary inform the House thereof.

#### BILLS ON THEIR SECOND READING.

Senate bill No. 59. A bill authorizing the boards doing county business to declare water courses navigable;

Was read a second time by its title, when,  
 On motion by Mr. Miller,  
 It was referred to the committee on Roads.

Senate bill No. 60. A bill to amend an act for the more effectual, just and equal assessment and valuation of the personal property, moneys, rights, credits, effects, and corporation stocks in the State of Indiana ;

Was read a second time, considered as in committee of the whole, reported to the Senate without amendment, and,

On motion by Mr. Winstandley,  
 Referred to the committee on Finance.

Mr. Dunn moved to instruct the committee as follows:

Instruct the committee to inquire into the expediency of an amendment exempting from taxation all public and private libraries, and all maps, charts, globes, &c., connected therewith, except law and medical, held and used by the professional man in his occupation, and that they report such amendment, if they deem the same expedient ;

Which was agreed to.

The consideration of the question pending at adjournment on yesterday, viz: on referring joint resolution No. 55 to a select committee, was resumed.

After much debate,

On motion by Mr. Teegarden,  
 The Senate adjourned.

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2 o'clock, P. M.

The Senate met.

The special order of the day being

Senate bill No. 35. A bill authorizing a general banking law ;

Was taken up, when

Mr. Emerson moved to indefinitely postpone the bill.

Mr. Mickle moved a call of the Senate ;

Which was ordered.

The Secretary proceeded with the call, when,

On motion by Mr. Mickle,

Leave of absence was granted Mr. Niblack on account of the sickness of Hon. M. D. Crim, a member of the House from the county of Martin.

On motion of Mr. Emerson,

Leave of absence was granted to Mr. Secrest.

On motion by Mr. Knowlton,

Leave of absence was granted to Mr. Odell on account of sickness.

Mr. Spann moved to suspend the further call ;

Which motion did not prevail.

On motion,

The absentees were sent for.

On motion of Mr. Milliken,

The further call was suspended.

The question then being,

Shall Senate bill No. 35 be indefinitely postponed ?

It was decided in the affirmative—ayes 23, noes 18.

The ayes and noes were demanded by Messrs. Mickle and Dawson.

*Those who voted in the affirmative were,*

Messrs. Alexander, Allen, Athon, Berry, Brugh, Cravens, Crawford, Dougherty, Dunn, Eddy, Emerson, Goodman, Hatfield, Hester, Holloway, Hunt, Kinnard, Knowlton, Miller, Saffer, Slack, Sleeth, and Spann.

*Those who voted in the negative were,*

Messrs. Davis, Dawson, Defrees, Delevan, Henton, James, Logan, Longshore, Marshall, McCarty, Mickle, Milliken, Teegarden, Turman, Walker, Washburn, Winstandley, and Witherow.

The consideration of the question pending at the adjournment this morning—it being a motion to refer Senate joint resolution No. 55 to a select committee—was resumed.

After much debate,

On motion by Mr. Hanna,

The Senate adjourned.

WEDNESDAY MORNING, }  
January 21, 1852. }

The Senate met.

The Journal of yesterday was read.

Mr. Emerson moved to suspend the previous order of business and take from the table messages of the House.

Which was agreed to.

The following message was received from the House of Representatives, by Mr. Sites, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following resolution:

*Resolved*, That this House will, the Senate concurring therein, go into the election of two commissioners for the Hospital for the Insane, on Wednesday next, 21st inst., at 10 o'clock, A. M.

In which the concurrence of the Senate is respectfully requested.

Which was reciprocated.

#### REPORTS.

Mr. Milliken, from the committee on Temperance, submitted the following report:

MR. PRESIDENT:

The committee on Temperance, to whom was referred petitions signed by about 23,000 inhabitants of this State, praying for the repeal of all laws granting license to traffic in intoxicating drinks, and to enact such laws as the Legislature, in its wisdom, may deem most effectual to suppress such traffic, have had this subject under consideration, and a majority of the committee have directed me to report the accompanying bill and recommend its passage.

The accompanying bill,

No. 61. A bill to suppress tippling houses, and providing for assessing damages against those who sell or give away intoxicating liquors, and repealing all laws conflicting with its provisions;

Was read a first time and passed to a second reading.

Mr. Goodman, from the same committee, submitted the following minority report:

MR. PRESIDENT:

The committee on Temperance, to whom were referred several petitions on this subject, have had the same under consideration, and a majority thereof have reported a bill for the suppression of the vending and retailing intoxicating liquors, a bill which a minority of said committee cannot recommend or support.

Our first reason why we cannot support said measure is because that it is too stringent, and in advance of public sentiment, so much so that it is very doubtful if the majority of the people would sustain or enforce its provisions.

The second is because it will *impede* and *hinder* the action of MORAL SUASION on the minds of the mass of our citizens, which now exerts so tremendous a power among us, and which has almost revolutionized the sentiment of the world, rousing the moral and religious feelings and sympathies of mankind to war against and destroy this evil, and which has and will continue to exert a force and power far more effectual than penal laws or condemnatory statutes, resting on a basis not supported by public sentiment, or sustained by the influence of the community.

For these reasons your committee cannot consent to sustain the bill, their principles being founded on that moral suasion which is addressed to every lover of his country, and the welfare of his fellow man—a basis that cannot be shaken.

Mr. Turman, from the committee on Enrolled Bills, submitted the following report:

MR. PRESIDENT:

Bills of the House, Nos. 44 and 65, and joint resolution of the House No. 5, were this day presented by the joint committee on Enrolled Bills, to Governor Wright for his approval.

Mr. Walker, from a select committee, submitted the following report:

MR. PRESIDENT:

The select committee to whom was referred bill of the House No. 67, An act to change the time of holding courts in the 8th judicial circuit, have had the same under consideration, and directed me to

report the same back to the Senate with the following amendment; and when so amended, recommend its passage.

Amend as follows: Strike out all after the fourth line in the first section, and add the following:

The courts in the county of Carroll, shall commence on the fourth Mondays in February and August;

In the county of Miami, on the Mondays succeeding the courts in the county of Carroll;

In the county of Wabash, on the Mondays succeeding the courts in the county of Miami;

In the county of Fulton, on the Mondays succeeding the courts in the county of Wabash;

In the county of Pulaski, on the Mondays succeeding the courts in the county of Fulton;

In the county of Jasper, on the Mondays succeeding the courts in the county of Pulaski;

In the county of White, on the Mondays succeeding the courts in the county of Jasper;

In the county of Cass, on the Mondays succeeding the courts in the county of White;

In the county of Howard, on the Mondays succeeding the courts in the county of Cass.

And such courts in the counties of Carroll, Cass and Miami, shall hold two weeks each term, if the business require it. In the county of Wabash, three weeks, if the business require it; and in each of said other counties, one week each term, if the business require it.

Which report was concurred in, and the amendment ordered to be engrossed for a third reading.

Mr. Reid offered the following resolution:

*Resolved*, That the Door-Keeper be instructed to lay on the table of the Governor, for his use, one copy of each and every bill printed by order of the Senate for the use of the Senate.

Which was adopted.

Mr. Reid offered the following resolution:

*Resolved*, That the committee on Finance be instructed to inquire into the propriety, as well as necessity, of amending and framing the law for the assessment and taxation of personal and real property, so that no property be twice listed or taxed, but that the same should operate on actual property, allowing the debts of the tax-payer to be deducted from his property as well as debts.

Which was adopted.

## BILLS INTRODUCED.

By Mr. Delavan:

No. 62. A bill defining the duties of county treasurers;  
Which was read a first time, and passed to a second reading.

Message from the House of Representatives, by their Clerk, Mr. Sites:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has concurred in the engrossed amendments of the Senate to engrossed bill of the House

No. 15, entitled an act to fix the time at which county treasurers shall be required to make their annual settlement with county auditors, and with the Auditor of State, and to authorize them to make deposits under the direction of the Treasurer of State.

Also the following message from the House by Mr. Sites, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the Speaker has signed the following enrolled bills thereof: Nos. 44 and 65, which I am directed to bring to the Senate for the signature of the President thereof.

Also, the following message was received from the House of Representatives by Mr. Sites, their clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the Speaker has signed the following enrolled joint resolution thereof: No. 5, which I am directed to bring to the Senate for the signature of the President thereof.

Also, the following message was received from the House of Representatives, by their clerk, Mr. Sites:



MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following resolution:

*Resolved*, That the Senate be invited to attend in the Hall of the House, instantler, for the purpose of going into the election of two Commissioners for the Hospital for the Insane, and that seats be provided on the right of the Speaker's chair.

Which was reciprocated.

When the Senate, preceded by the President, proceeded to the Hall of the House of Representatives, and took the seats provided for them at the right of the Speaker's chair;

When both Houses, in joint convention, proceeded by a *viva voce* vote to the election of two Commissioners for the Indiana Hospital for the Insane.

*Those who voted for Calvin Fletcher, on the part of the Senate, were*

Messrs. Athon, Brugh, Defrees, Eddy, Hatfield, Logan, McCarty, Saffer, Sleeth, and Teegarden.

*Those on the part of the House were,*

Messrs. Brady, Bryant, Bulla, Cockrum, Cowgill, Donham, Gibson, Goudy, Gunn, Hay of Clark, Helmer, Hicks, Holladay of Parke, Holliday of Blackford, Hudson, Huey, Laverty, Lawrence, Lindsay of Howard, Litchfield, Major, Nelson, Porter, Ray, Scudder, Shanklin, Smith of Spencer, Staton, Sumner, Sweet, Thompson, Walker, and Watson—42.

*Those who voted for Stephen Major, on the part of the Senate, were,*

Messrs. Allen, Athon, Berry, Cravens, Crawford, Delevan, Dougherty, Eddy, Emerson, Goodman, Hanna, Henton, Hester, Hickman, James, Logan, Longshore, McCarty, Mickle, Reid, Saffer, Secrest, Slack, Sleeth, Spann, Teegarden, Walker, Washburn, Winstandley, and Witherow.

*Those on the part of the House were,*

Messrs. Barker, Beach, Beane, Beeson, Behm, Brady, Bulla, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Cromwell, Doughty, Douthit, Eccles, English, Foster, Geddes, Gibson, Graham, Gunn, Hanna, Harrison, Hart, Hay of Clark, Helmer, Henry, Holliday of

Blackford, Holladay of Parke, Hostetter, Hudson, Huey, Huffstetter, Hunt, Lawrence, Leviston, Lewis, Lindsey of Fayette, Litchfield, Major, McAllister, McDowell, Miller, Mudget, Nelson, Owen, Reynolds, Schoonover, Smith of Spencer, Stanfield, Stover, Stuart, Suit, Sumner, Sweet, Taggart, Thompson, Walker, Watson, Williams, and Mr. Speaker—91.

*Those who voted for Samuel Grimes, on the part of the Senate, were,*

Messrs. Alexander, Allen, Brugh, Cravens, Crawford, Davis, Defrees, Delevan, Dougherty, Emerson, Goodman, Hanna, Hatfield, Henton, Hester, Hickman, Kinnard, Knowlton, Longshore, Mickle, Reid, Secrest, Slack, Spann, Walker, Washburn, Winstandley, and Witherow.

*Those on the part of the House were,*

Messrs. Barker, Beach, Beane, Beeson, Behm, Bryant, Buskirk, Carpenter, Chowning, Crawford, Cromwell, Davis, Dobson, Donaldson, Donham, Doughty, Douthit, Eccles, English, Foster, Geddes, Goudy, Graham, Hanna, Harrison, Hart, Henry, Hicks, Holman, Huey, Huffstetter, Hunt, King, Laverty, Leviston, Lewis, Lindsey of Fayette, Lindsay of Howard, Manson, Mayfield, McAllister, McConnell, McDonald, Miller, Porter, Ray, Reynolds, Schoonover, Shanklin, Spencer, Stanfield, Staton, Stevens, Stover, Stuart, Suit, Taggart, Torbet, Wilson, Withers, and Mr. Speaker—90.

*Those who voted for Benjamin F. Morris, on the part of the Senate, were,*

Messrs. Alexander, Berry, Davis, James, Kinnard, and Knowlton.

*Those on the part of the House were,*

Messrs. Buskirk, Davis, Dobson, Donaldson, Holman, King, Manson, Mayfield, McConnell, McDonald, McDowell, Porter, Scudder, Spencer, Stevens, Torbet, Williams, Wilson, and Withers—25.

Stephen Major and Samuel Grimes having received a majority of the votes of all the members elected, were declared by the President of the Senate to be duly elected Commissioners of the Indiana Hospital for the Insane, to serve as such for the term of four years from the date of their election.

The President then declared the Convention adjourned without day;

When the Senate retired to their chamber and resumed business.

#### ORDERS OF THE DAY.

The consideration of joint resolution No. 55, was resumed, when Mr. Emerson moved it be postponed and made the special order of the day for every day, after the files of the Senate are clear.

Mr. Miller moved to amend so as to postpone till 6 o'clock, P. M. Which was not agreed to.

The question was, will the Senate postpone Senate joint resolution No. 55, and make it the special order of the day, each day after the files are clear?

When,

On motion by Mr. Reid,

The Senate adjourned.

2 o'clock, P. M.

The Senate met.

The special order of the day, Senate bill No. 58, was taken up.

On motion by Mr. Cravens,

A call of the Senate was ordered; and,

On motion,

The absentees were sent for.

Mr. Delevan moved to suspend a further call.

Which was not agreed to.

Mr. Secrest moved to suspend a further call.

Which motion did not prevail.

Mr. Knowlton moved to suspend a further call.

Which was not agreed to.

Mr. Sleeth moved to suspend a further call.

Which motion did not prevail.

On motion by Mr. Secrest,

A further call was suspended.

Mr. Secrest moved that the bill be laid on the table, and 150 copies be printed.

A division of the question was called for.

The President having decided the question divisible, the first question, on laying on the table,

Was decided in the affirmative—ayes 26, noes 21.

The ayes and noes were demanded by Messrs. Slack and Witherow.

*Those who voted in the affirmative were,*

Messrs. Berry, Brugh, Davis, Dawson, Delevan, Goodman, Hatfield, Henton, Holloway, Hunt, James, Kinnard, Knowlton, Logan, Longshore, Marshall, McCarty, Miller, Milliken, Niblack, Saffer, Secrest, Sleeth, Walker, Washburn and Winsteadley.

*Those who voted in the negative were,*

Messrs. Alexander, Allen, Athon, Cravens, Crawford, Defrees, Dougherty, Dunn, Eddy, Emerson, Hanna, Hester, Hickman, Kendall, Mickle, Reid, Slack, Spann, Teegarden, Turman, and Witherow.

The second question, on ordering 150 copies to be printed, was decided in the negative.

Mr. Slack moved to suspend the order of business.

Which was not agreed to.

Mr. Slack moved to reconsider the vote refusing to suspend the order of business.

Which was agreed to.

Mr. Slack then moved to reconsider the vote on the passage of Senate bill No. 6.

Messrs. Dunn and Marshall took an appeal from the decision of the President, that where a bill fails on its passage, from the want of a constitutional majority, any member voting with the largest number, may make a motion to reconsider.

The question being, shall the decision of the chair stand as the judgment of the Senate?

It was decided in the affirmative—ayes 30, noes 14.

The ayes and noes were demanded by Messrs. Dunn and Marshall.

*Those who voted in the affirmative were,*

Messrs. Alexander, Allen, Athon, Brugh, Cravens, Crawford, Davis, Delevan, Dougherty, Emerson, Henton, Hester, Hickman, Hunt, James, Kinnard, Longshore, Mickle, Miller, Niblack, Reid, Saffer, Secrest, Slack, Sleeth, Spann, Turman, Walker, Washburn, and Witstandley.

*Those who voted in the negative were,*

Messrs. Dawson, Defrees, Dunn, Eddy, Goodman, Hatfield, Holloway, Kendall, Knowlton, Marshall, McCarty, Milliken, Teegarden, and Witherow.

The question then being on reconsidering the vote on Senate bill No. 6, a bill to enforce the provisions of the 13th article of the Constitution of the State of Indiana;

It was decided in the affirmative—ayes, 28; noes 16.

The ayes and noes were demanded by Messrs. Dunn and Holloway.

*Those who voted in the affirmative were,*

Messrs. Alexander, Allen, Athon, Berry, Brugh, Cravens, Crawford, Davis, Dawson, Delevan, Dougherty, Emerson, Hatfield, Henton, Hester, Hunt, James, Longshore, Mickle, Miller, Niblack, Secrest, Slack, Sleeth, Spann, Turman, Walker, and Washburn.

*Those who voted in the negative were,*

Messrs. Defrees, Dunn, Eddy, Goodman, Hickman, Holloway, Kendall, Kinnard, Marshall, McCarty, Milliken, Reid, Saffer, Teegarden, Winstandley, and Witherow.

The question was then on the passage of Senate bill No. 6;  
Pending which,

On motion of Mr. Defrees,

The Senate adjourned.

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THURSDAY MORNING, }  
January 22, 1852. }

The Senate met.

The Journal of yesterday was read.

Mr. Slack moved a call of the Senate;  
Which was agreed to.

On motion,

The absentees were sent for.

On motion by Mr. Berry,

A further call was suspended.

The consideration of the question pending at adjournment, it being "Shall Senate bill No. 6 pass?" was resumed;  
Whereupon, the bill passed. Ayes 27; noes 21.

*Those who voted in the affirmative were,*

Messrs. Alexander, Allen, Athon, Berry, Brugh, Cravens, Crawford, Davis, Delevan, Emerson, Hanna, Henton, Hester, Hicks, Hunt, James, Knowlton, Logan, Mickle, Miller, Secrest, Slack, Sleeth, Spann, Turman, Walker, and Washburn.

*Those who voted in the negative were,*

Messrs. Dawson, Defrees, Dougherty, Dunn, Eddy, Goodman, Hatfield, Hickman, Holloway, Kendall, Kinnard, Longshore, Marshall, McCarty, Milliken, Odell, Reid, Saffer Teegarden, Winstandley, and Witherow.

Ordered that the Secretary inform the Senate thereof.

#### PETITIONS, MEMORIALS AND REMONSTRANCES.

Mr. Milliken presented the memorial of citizens of the State on the subject of temperance;

Which,

On his motion,

Was laid on the table.

#### REPORTS.

Mr. Miller, from the committee on Roads, submitted the following report:

MR. PRESIDENT:

The committee on Roads, to whom was referred bill of the Senate No. 59, An act authorizing the Boards doing county business to declare water courses navigable, have had the same under consideration, and have directed me to report it to the Senate, and recommend its passage.

The accompanying bill was read a second time, considered as in committee of the Whole, reported to the Senate without amendment, and ordered to be engrossed for a third reading.

Mr. Slack, from a select committee, submitted the following report:

MR. PRESIDENT:

The select committee, to which was referred bill of the House No. 42, would report that they have had the same under consideration, and have requested me to report the same back with the following amendments, to-wit:

After the words "rail road" in the 3d line of the 1st section, insert "plank road, McAdamized road, and turnpike road," and strike out the word "company" and insert "companies."

After the word "incorporated," in the same line insert the words "or hereafter to be incorporated."

After the words "per annum" in the 6th line of said 1st section, insert the words "not exceeding the legal rate of interest allowed by the law of the State where the loans may be negotiated, or the money borrowed."

In the 9th line of the 1st section strike out the words "cars, locomotives, and such other."

In the 12th line of the 1st section, strike out the word "iron," and insert the word "materials."

In the 6th line of the 3d section, strike out the words "rail road."

With these amendments made, the committee recommend the passage of the bill.

Which was concurred in, the accompanying bill was read a second time, and considered as in committee of the whole, and reported to the Senate without further amendment, and the amendments proposed by the committee ordered to be engrossed for a third reading.

Mr. Dunn, from a select committee, submitted the following report:

MR. PRESIDENT:

The select committee to whom was referred House bill No. 17, &c., have had the same under consideration, and directed me to re-report the same back to the Senate, with the following amendments, to-wit:

Strike out of said bill all that part which relates to the copyright, and insert in lieu thereof, in the 7th section of said bill, "receive for each and every volume of the size and description hereinbefore provided, (except those for the use of the State,) such price as may be agreed upon by purchasers, not exceeding four dollars, and it shall not be lawful for him directly or indirectly to receive, or any other person, any greater price than this per volume."

Which was concurred in, and the amendments ordered to be engrossed for a third reading.

Mr. Emerson moved to reconsider the vote on the adoption of the amendment in relation to a publication of the decisions of the supreme court, or a synopsis thereof in any newspaper in the State; Which motion prevailed.

When,

On his motion,

It was laid on the table.

Mr. Turman, from the joint committee on Enrolled bills, made the following report:

MR. PRESIDENT:

The joint committee on Enrolled bills have this day presented House bill No. 78 to the Governor for his approval.

Mr. Reid, from a select committee, submitted the following report:

MR. PRESIDENT:

The select committee to whom was referred bill of the Senate No. 40, concerning township elections, &c.; have had the same under consideration, and a majority thereof have requested me to report the bill back to the Senate with the following amendments, and when adopted to recommend its passage:

Amend section No. 7 by inserting the following after the words "taxable property," in the 7th and 8th lines:

*And provided, further.* That said assessors shall give notice in the several townships at least for three weeks prior to the first Monday in April, by putting up printed or written notices in three of the most public places in the several townships, specifying the times and places when and where he will be found to receive said lists: *And provided further,* That said assessors shall have full power and authority to appoint deputies in all counties where two or more polling places or precincts are in one township, who shall take and subscribe a similar oath to that taken and subscribed by the assessor so appointing, and the acts of the said deputy, in the performance of his duty, shall be as valid as if done by said assessor, who shall be responsible for the same as if done by himself.

Amend section 8—insert after the word "taxes," in the 6th line, the following:

Which penalty of twenty-five cents said assessors shall receive in full satisfaction of their extra services for such visitation.

Which was concurred in.



And the accompanying bill, having been read a third time, the question was, shall the bill pass?

When,

Mr. Spann moved to recommit to the same committee, with the following instructions:

To strike out the 25 cents forfeit, and also to strike out \$1,000 and insert \$500, in relation to the bond.

Mr. Alexander moved the previous question.

Which was seconded.

The question being, Shall the main question be now put?

It was decided in the affirmative.

The question then being on recommitting with instructions,

A division of the question was called for.

And the President having decided the question divisible, the first question, on recommitting, was decided in the negative—ayes 18, noes 29.

The ayes and noes were demanded by Messrs. Dunn and Emerson.

*Those who voted in the affirmative were,*

Messrs. Athon, Dawson, Defrees, Eddy, Goodman, Hatfield, Henton, Hester, Hickman, McCarty, Mickle, Niblack, Secrest, Sleeth, Spann, Turman, Walker, and Winstandley.

*Those who voted in the negative were,*

Messrs. Alexander, Allen, Berry, Brugh, Cravens, Davis, Delevan, Dougherty, Dunn, Emerson, Hanna, Hicks, Holloway, Hunt, James, Kinnard, Knowlton, Logan, Longshore, Marshall, Miller, Milliken, Odell, Reid, Saffer, Slack, Teegarden, Washburn, and Witherow.

The question then recurring on the passage of the bill,

It was decided in the negative—ayes 18, noes 29.

*Those who voted in the affirmative were,*

Messrs. Alexander, Allen, Berry, Brugh, Cravens, Defrees, Delevan, Emerson, Hicks, Holloway, Hunt, Kinnard, Knowlton, Milliken, Odell, Saffer, Slack and Spann.

*Those who voted in the negative were,*

Messrs. Athon, Davis, Dawson, Dougherty, Dunn, Eddy, Goodman, Hanna, Hatfield, Henton, Hester, Hickman, James, Logan, Longshore, Marshall, McCarty, Mickle, Miller, Niblack, Reid, Se-

crest, Sleeth, Teegarden, Turman, Walker, Washburn, Winstandley and Witherow.

Mr. Niblack offered the following resolution:

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of requiring all persons who were in office on the first day of November last, and who were required to take an oath to support the present Constitution, to file with the proper officer or officers certified copies of such oaths, and to report by bill or otherwise.

Which was adopted.

Mr. Saffer offered the following resolution:

*Resolved*, That the committee on Benevolent Institutions be instructed to provide by law for regulating taverns, so that keepers of such public houses may be punished for turning out of doors or refusing lodging to any drunken or intoxicated person who may call for lodging, and that it shall be the duty of said tavern-keeper to furnish said intoxicated person with lodging, and if he should be disorderly, said tavern-keeper shall have power to confine said intoxicated person until he become sober, and the said tavern-keeper shall have the right to sue for and collect from the person selling or giving to such intoxicated person the spirituous liquors whereby he became intoxicated, the amount of proper charges for keeping and taking care of such intoxicated person; and in all such cases the intoxicated person shall be a good witness.

Which was not adopted.

Mr. Dunn offered the following resolution:

*Resolved*, That the committee on Federal relations be instructed to report a bill providing for the colonization of all persons of color now residing in this State, or who may hereafter acquire such residence, and shall be willing to accept the benefits of such provision.

Mr. Cravens moved to amend the resolution by striking out from the resolving clause, and inserting the following:

That the committee on Federal Relations be instructed to report a bill setting apart a sum to be applied to the colonization of the negroes and mulattoes of this State, such as are willing to colonize.

Pending which,

On motion by Mr. Knowlton,  
The Senatt adjourned.

2 o'clock, P. M.

The Senate met.

The President laid before the Senate a communication from the Governor in relation to a correspondence between himself and Louis Kossuth, Governor of Hungary ;

Which,

On motion by Mr. Emerson,

Was laid on the table.

The President also laid before the Senate a communication from his Excellency, the Governor, and the accompanying communication of John T. Noble of London, relative to some bonds he holds on the State of Indiana.

Which,

On motion by Mr. Emerson,

Was referred to the committee on Finance.

The Senate then resumed the consideration of the subject pending at the adjournment.

The question being on the adoption of the amendment to the resolution instructing the committee on Federal Relations to report a bill appropriating money for colonization purposes, &c.,

It was decided in the negative.

The question then being on the adoption of the resolution, it was adopted—ayes 36, noes 11.

The ayes and noes were demanded by Messrs. Dunn and Marshall.

*Those who voted in the affirmative were,*

Messrs. Alexander, Allen, Brugh, Cravens, Crawford, Davis, Dawson, Delevan, Dunn, Eddy, Goodman, Henton, Hickman, Holloway, Hunt, Kendall, Kinnard, Knowlton, Longshore, Marshall, McCarty, Mickle, Milliken, Niblack, Odell, Reid, Saffer, Secrest, Slack, Sleeth, Spann, Teegarden, Turman, Walker, Winstandley and Witherow.

*Those who voted in the negative were,*

Messrs. Athon, Berry, Dougherty, Emerson, Hanna, Hatfield, Hester, Hicks, James, Miller and Washburn.

Mr. Emerson offered the following resolution:

*Resolved*, That the committee on the Judiciary be instructed to inquire and report whether, in their opinion, an act entitled "An act to provide for the election of township assessors in the counties

therein named, and defining their duties," approved January 27, 1847, as found on page 136, local laws of 1847, is still in force in the counties therein named.

Which was adopted.

#### BILLS INTRODUCED.

By Mr. Marshall:

No. 63. A bill authorizing the issuing of executions and fee-bills in the Supreme Court, in cases upon which no execution or fee-bill has issued for three years from the rendition of judgment, and where fees have not been collected for three or more years from the termination of the suit in which the same is taxed.

Which was read a first time and passed to a second reading.

#### ORDERS OF THE DAY.

Mr. Secrest moved to suspend the order of business,

Which was agreed to.

Mr. Secrest then moved to take from the table Senate bill No. 58, relative to districting the State.

Which motion prevailed.

On motion by Mr. Cravens,

A call of the Senate was ordered.

On motion by Mr. Emerson,

The absentees were sent for.

On motion,

A further call was suspended.

Mr. Secrest moved to amend by adding Putnam county to the 7th district, and add Hancock to the 6th.

Which amendment was adopted.

On motion by Mr. Slack,

A further call of the Senate was ordered.

On motion by Mr. Sleeth,

A further call was suspended.

Mr. Milliken moved the bill be referred to a committee of one from each congressional district.

Mr. Brugh moved to amend the resolution so as to refer the bill with the following instructions:

Amend by attaching Huntington county to the 9th district from

the 10th, and attaching Blackford county to the 10th district, from the 9th district.

Pending which.

On motion by Mr. Dunn,

The Senate adjourned.

FRIDAY MORNING, 9 o'CLOCK, }  
January 23, 1852. }

The Senate met.

The Journal of yesterday was read.

Mr. Miller asked leave to withdraw a petition or instructions introduced by him and referred to the districting committee.

Which was granted.

Mr. Holloway presented several petitions on the subject of Temperance.

Which,

On his motion,

Were laid on the table.

#### ORDERS OF THE DAY.

#### *Bills on their third Reading.*

House bill No. 67. A bill to change the time of holding courts in the 8th Judicial circuit.

Was read a third time and passed; ayes, 46, noes, none.

*Those who voted in the affirmative were,*

Messrs. Alexander, Allen, Athon, Berry, Brugh, Cravens, Crawford, Dawson, Defrees, Delevan, Dougherty, Dunn, Eddy, Emerson, Goodman, Hanna, Hatfield, Henton, Hester, Hickman, Hicks, Holloway, Hunt, James, Kendall, Kinnard, Knowlton, Logan, Long-

shore, Marshall, McCarty, Mickle, Miller, Milliken, Odell, Saffer, Secrest, Slack, Sleeth, Spann, Teegarden, Turman, Walker, Washburn, Winstandley, and Witherow.

Ordered that the Secretary inform the House thereof.

House bill No. 17. A bill to provide for the appointment of a reporter, and a speedy publication of the decisions of the supreme court;

Was read a third time, when,

Mr. Emerson moved to amend the bill as follows:

Strike out the word "appoint," wherever it occurs, and insert "chosen."

Which was unanimously agreed to.

Mr. Dunn moved further to amend the bill by inserting after the words "four years," the words, "and until his successor is elected and qualified."

Also,

*Provided*, That the reporter elected by the Legislature shall serve only until a successor shall be elected at the next annual election and be duly qualified.

Which was unanimously agreed to.

The question then being put, shall the bill pass?

It was decided in the affirmative, ayes 38, noes 6.

*Those who voted in the affirmative were,*

Messrs. Alexander, Allen, Athon, Brugh, Cravens, Crawford, Davis, Dawson, Defrees, Delevan, Dougherty, Dunn, Emerson, Goodman, Hatfield, Henton, Hester, Hicks, Holloway, Hunt, James, Kinard, Knowlton, Logan, Longshore, McCarty, Mickle, Milliken, Odell, Saffer, Secrest, Slack, Sleeth, Spann, Turman, Walker, Washburn, and Winstandley.

*Those who voted in the negative were,*

Messrs. Berry, Eddy, Hanna, Hickman, Marshall, and Witherow.

Mr. Emerson moved to amend the title by striking out the word "appointment," and inserting the word "election."

Which was agreed to.

Ordered that the Secretary inform the House thereof.

Senate bill No. 59. A bill authorizing the board doing county business to declare water courses navigable;

Was read a third time, when  
Mr. Emerson moved to reconsider the vote ordering the engrossment.

Which motion prevailed; when  
Mr. Miller moved to recommit the bill to a select committee.  
Which was decided in the affirmative, and  
Messrs. Miller, Goodman, Hunt, Marshall, and Saffer were appointed said committee.

On motion of Mr. Dougherty,  
The previous order of business was suspended;  
When the following message from the House of Representatives, was taken up.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof:

No. 98. A bill authorizing the circuit courts of this State to try and determine indictments for felonies on an enrolled copy thereof duly certified.

In which the concurrence of the Senate is respectfully requested.

The accompanying bill was read a first time; when  
Mr. Dougherty moved to suspend the rules, and read the bill a second time now.

Which was decided in the affirmative. Ayes 33; noes 11.

*Those who voted in the affirmative were,*

Messrs. Athon, Brugh, Cravens, Crawford, Dawson, Defrees, Delevan, Dougherty, Duhn, Goodman, Hanna, Hatfield, Henton, Hester, Hicks, Holloway, Hunt, Kinnard, Logan, Longshore, Miller, Milliken, Odell, Saffer, Secrest, Slack, Sleeth, Spann, Turman, Walker, Washburn, Winstandley, and Witherow.

*Those who voted in the negative were,*

Messrs. Alexander, Berry, Davis, Eddy, Emerson, Hickman, James, Kendall, Marshall, Mickle, and Teegarden.

The bill was then read a second time by its title;  
When,

On motion of Mr. Dougherty,  
It was referred to the committee on the Judiciary.

House bill No. 42. A bill authorizing Rail Road Companies to borrow money, and to secure the re-payment thereof by mortgage;  
Was read a third time and passed. Ayes 31; noes 9.

*Those who voted in the affirmative were,*

Messrs. Alexander, Allen, Athon, Brugh, Crawford, Davis, Defrees, Dougherty, Dunn, Eddy, Henton, Hester, Hickman, Hicks, Holloway, James, Kendall, Kinnard, Knowlton, Logan, Marshall, McCarty, Mickle, Milliken, Odell, Secrest, Slack, Teegarden, Washburn, Winsteadley, and Witherow.

*Those who voted in the negative were,*

Messrs. Cravens, Dawson, Delevan, Emerson, Hatfield, Miller, Spann, Turman, and Walker.

Mr. Slack moved to amend the title by inserting, after the words "Raid Roads," "Plank roads, McAdamized roads, and Turnpike roads."

Which was agreed to.

Ordered that the Secretary inform the House thereof.

The consideration of the question pending at the adjournment on yesterday, it being on recommitting Senate bill No. 58, A bill providing for districting the State into Congressional districts, to a select committee of one from each Congressional district, with instructions,

Was resumed;

When a division of the question being called for, and the President having decided the question divisible, the first question was on recommitting;

Which was decided in the negative. Ayes 21; noes 26.

The ayes and noes were demanded by Messrs. Dunn and Marshall.

*Those who voted in the affirmative were,*

Messrs. Alexander, Berry, Brugh, Davis, Dawson, Goodman, Hatfield, Henton, Holloway, Hunt, James, Kendall, Logan, Longshore, Marshall, Miller, Milliken, Odell, Walker, Washburn and Winsteadley.

*Those who voted in the negative were,*

Messrs. Allen, Athon, Cravens, Crawford, Defrees, Delevan, Dougherty, Dunn, Eddy, Emerson, Hanna, Hester, Hickman, Hicks, Kinnard, Knowlton, McCarty, Mickle, Saffer, Secrest, Slack, Sleeth, Spann, Teegarden, Turman and Witherow.

Mr. Hunt moved to amend as follows:



Amend by attaching the counties of Jay, Adams and Wells to the tenth district, the counties of Wabash and Miami to the ninth, and the county of Cass to the eleventh.

Which was decided in the negative—ayes 20, noes 24.

The ayes and noes were demanded by Messrs. Mickle and Dawson.

*Those who voted in the affirmative were,*

Messrs. Alexander, Berry, Brugh, Dawson, Goodman, Hatfield, Henton, Hickman, Holloway, Hunt, James, Logan, Longshore, Marshall, McCarty, Miller, Milliken, Odell, Walker and Winstandley.

*Those who voted in the negative were,*

Messrs. Allen, Athon, Cravens, Crawford, Defrees, Delevan, Dougherty, Dunn, Eddy, Emerson, Hester, Kendall, Kinnard, Knowlton, Mickle, Saffer, Secrest, Slack, Sleeth, Spann, Teegarden, Turman, Washburn and Witherow.

Mr. Dawson moved to amend as follows:

Add the county of Jay to the 5th district; also add the county of Huntington to the 9th district, and the county of Cass to the 11th district.

Which motion did not prevail—ayes 17, noes 26.

The ayes and noes were demanded by Messrs. Dunn and Emerson.

*Those who voted in the affirmative were,*

Messrs. Alexander, Brugh, Dawson, Goodman, Hatfield, Henton, Hickman, Hunt, James, Logan, Longshore, Marshall, Miller, Milliken, Walker, Wasburn and Winstandley.

*Those who voted in the negative were,*

Messrs. Allen, Athon, Cravens, Crawford, Defrees, Delevan, Dougherty, Dunn, Eddy, Emerson, Hanna, Hester, Kendall, Kinnard, Knowlton, McCarty, Mickle, Odell, Saffer, Secrest, Slack, Sleeth, Spann, Teegarden, Turman and Witherow.

Mr. Brugh moved to amend by attaching Blackford county to the 10th district.

Which motion did not prevail—ayes 20, noes 26.

The ayes and noes were demanded by Messrs. Athon and Dunn.

*Those who voted in the affirmative were,*

Messrs. Alexander, Allen, Athon, Brugh, Crawford, Defrees, Dunn, Henton, Holloway, Kendall, Marshall, McCarty, Mickle, Miller, Odell, Secrest, Sleeth, Spann, Winstandley and Witherow.

*Those who voted in the negative were,*

Messrs. Berry, Cravens, Dawson, Delevan, Dougherty, Eddy, Emerson, Goodman, Hanna, Hatfield, Hester, Hickman, Hicks, Hunt, James, Kinnard, Knowlton, Logan, Longshore, Milliken, Saffer, Slack, Teegarden, Turman, Walker and Washburn.

Mr. Knowlton moved to amend as follows:

Strike off Switzerland county from the 4th district, and attach it to the 3d district.

Which motion prevailed—ayes 24, noes 23.

The ayes and noes were demanded by Messrs. Athon and Dunn.

*Those who voted in the affirmative were,*

Messrs. Alexander, Brugh, Davis, Dawson, Dunn, Goodman, Hatfield, Henton, Hunt, James, Kendall, Knowlton, Logan, Longshore, Marshall, McCarty, Miller, Milliken, Odell, Sleeth, Walker, Washburn, Winstandley, and Witherow.

*Those who voted in the negative were,*

Messrs. Allen, Athon, Berry, Cravens, Crawford, Defrees, Delevan, Dougherty, Eddy, Emerson, Hanna, Hester, Hickman, Hicks, Holloway, Kinnard, Mickle, Saffer, Secrest, Slack, Spann, Teegarden and Turman.

Mr. Winstandley moved to amend as follows:

Strike off Clark from the 3d district, and add it to the 2d district. Which motion prevailed—ayes 24, noes 23.

The ayes and noes were demanded by Messrs. Athon and Emerson.

*Those who voted in the affirmative were,*

Messrs. Alexander, Berry, Brugh, Cravens, Davis, Dawson, Dunn, Goodman, Hatfield, Henton, Hunt, James, Kendall, Longshore, Marshall, McCarty, Miller, Milliken, Odell, Sleeth, Walker, Washburn, Winsteadley, and Witherow.

*Those who voted in the negative were,*

Messrs. Athon, Allen, Crawford, Defrees, Delevan, Dougherty, Eddy, Emerson, Hanna, Hester, Hickman, Hicks, Holloway, Kinnard, Knowlton, Logan, Mickle, Saffer, Secrest, Slack, Spann, Teegarden, and Turman.

Mr. James moved to amend as follows:

Detach the county of Martin from the 2d district and add it to the 1st district.

Mr. Dunn moved a call of the Senate;

Which was ordered.

On motion by Mr. Eddy,

Mr. Reid was excused.

On motion,

The absentees were sent for.

Mr. Emerson moved to suspend the further call;

Which motion did not prevail.

Mr. Cravens moved to suspend a further call;

Which motion did not prevail.

On motion by Mr. Emerson,

A further call was suspended.

Mr. Dunn moved to adjourn.

Which motion did not prevail.

Mr. Sleeth moved to reconsider the vote on the amendment striking Clark county off from the 3d and attaching it to the 2d district.

Which motion prevailed; ayes 26, noes 22.

The ayes and noes were demanded by Messrs. Winsteadley and Athon.

*Those who voted in the affirmative were,*

Messrs. Alexander, Allen, Athon, Crawford, Davis, Defrees, Delevan, Eddy, Emerson, Hanna, Hester, Hickman, Hicks, Holloway, Kinnard, Logan, Mickle, Miller, Saffer, Secrest, Slack, Sleeth, Spann, Teegarden, and Turman.

*Those who voted in the negative were,*

Messrs. Berry, Brugh, Cravens, Dawson, Dougherty, Dunn, Goodman, Hatfield, Henton, Hunt, James, Kendall, Knowlton, Longshore, Marshall, McCarty, Milliken, Odell, Walker, Washburn, Winstandley, and Witherow.

Mr. Slack moved to lay the amendment on the table.

Pending which,

On motion by Mr. Windstandley,

The Senate adjourned.

2 o'clock, P. M.

The Senate met.

Mr. Slack withdrew his motion to lay on the table the amendment proposed by Mr. Winstandley.

Mr. Slack moved a call of the Senate,

Which was seconded, and,

On motion,

The absentees were sent for.

Mr. Knowlton moved to suspend the further call of the Senate.

Which motion did not prevail.

Mr. Slack moved to suspend the further call of the Senate.

Which was decided in the negative.

Mr. Athon moved to suspend the further call of the Senate.

Which motion prevailed.

Mr. Slack moved the previous question.

Which was not seconded; ayes 24, noes 22.

*Those who voted in the affirmative were,*

Messrs. Allen, Athon, Cravens, Crawford, Defrees, Dougherty, Eddy, Emerson, Hester, Hickman, Hicks, Kendall, Knowlton, Logan, McCarty, Mickle, Miller, Saffer, Secrest, Slack, Sleeth, Spann, Teegarden, Turman, and Washburn.

*Those who voted in the negative were,*

Messrs. Alexander, Berry, Brugh, Davis, Dawson, Delavan, Dunn, Goodman, Hanna, Henton, Holloway, Hunt, James, Kinnard, Long-

shore, Marshall, Milliken, Niblack, Odell, Walker, Winstandley, and Witherow.

The question then recurring on the adoption of the amendment proposed by Mr. Winstandley, to detach Clark county from the third district, and attach it to the second,

It was decided in the negative. Ayes 17; noes 30.

The ayes and noes were demanded by Messrs. Athon and Winstandley.

*Those who voted in the affirmative were,*

Messrs. Berry, Brugh, Cravens, Dawson, Dunn, Goodman, Hanna, Henton, Holloway, Hunt, James, Longshore, Marshall, Milliken, Walker, Winstandley, and Witherow.

*Those who voted in the negative were,*

Messrs. Alexander, Allen, Athon, Crawford, Davis, Defrees, Delevan, Dougherty, Eddy, Emerson, Hester, Hickman, Hicks, Kendall, Kinnard, Knowlton, Logan, McCarty, Mickle, Miller, Niblack, Odell, Saffer, Secrest, Slack, Sleeth, Spann, Teegarden, Turman, and Washburn.

Mr. Athon moved the previous question.

Mr. Hanna moved to lay the motion for the previous question on the table.

Which was decided in the negative. Ayes 22; noes 25.

The ayes and noes were demanded by Messrs. Berry and Miller.

*Those who voted in the affirmative were,*

Messrs. Berry, Brugh, Cravens, Davis, Dawson, Delevan, Goodman, Hanna, Henton, Hunt, James, Kendall, Longshore, Marshall, McCarty, Miller, Milliken, Niblack, Odell, Walker, Winstandley, and Witherow.

*Those who voted in the negative were,*

Messrs. Alexander, Allen, Athon, Crawford, Defrees, Dougherty, Dunn, Eddy, Emerson, Hester, Hickman, Hicks, Holloway, Kinnard, Knowlton, Logan, Mickle, Saffer, Secrest, Slack, Sleeth, Spann, Teegarden, Turman, and Washburn.

The question then recurring on seconding the previous question, It was decided in the affirmative. Ayes 27; noes 20.

The ayes and noes were demanded by Messrs. Berry and Miller.

*Those who voted in the affirmative were,*

Messrs. Alexander, Athon, Cravens, Crawford, Defrees, Dougherty, Eddy, Emerson, Hester, Hickman, Kendall, Kinnard, Knowlton, Logan, McCarty, Mickle, Odell, Saffer, Secrest, Slack, Sleeth, Spann, Teegarden, Turman, and Washburn.

*Those who voted in the negative were,*

Messrs. Berry, Brugh, Davis, Dawson, Delevan, Dunn, Goodman, Hanna, Henton, Holloway, Hunt, James, Longshore, Marshall, Miller, Milliken, Niblack, Walker, Winstandley, and Witherow.

The next question being, "Shall the main question be now put?"  
Was decided in the affirmative.

The question being on the amendment attaching Martin county to the first district,

It was decided in the negative.

The question then being on the engrossment of the bill as amended,  
It was decided in the affirmative. Ayes 28; noes 19.

The ayes and noes were demanded by Messrs. Emerson and Athon.

*Those who voted in the affirmative were,*

Messrs. Allen, Athon, Cravens, Crawford, Defrees, Delevan, Dougherty, Eddy, Emerson, Hester, Hickman, Hicks, Kendall, Kinnard, Knowlton, Logan, McCarty, Mickle, Milliken, Odell, Saffer, Secrest, Slack, Sleeth, Spann, Teegarden, and Turman.

*Those who voted in the negative were,*

Messrs. Alexander, Berry, Brugh, Davis, Dawson, Dunn, Goodman, Hanna, Henton, Holloway, Hunt, James, Longshore, Marshall, Miller, Niblack, Walker, Winstandley, and Witherow.

The consideration of No. 55. A joint resolution in relation to certain articles taken from cathedrals in Mexico,

Was resumed, when

Mr. Emerson moved to lay the joint resolution on the table.

Which was decided in the negative; ayes 22, noes 25.

The ayes and noes were demanded by Messrs. Dunn and Athon.

*Those who voted in the affirmative were,*

Messrs. Alexander, Berry, Crawford, Dawson, Delevan, Dougherty, Dunn, Eddy, Emerson, Goodman, Henton, Hester, James, Kin-

nard, Knowlton, Marshall, Mickle, Miller, Odell, Saffer, Secrest, and Witherow.

*Those who voted in the negative were,*

Messrs. Allen, Athon, Brugh, Cravens, Davis, Defrees, Hanna, Hickman, Hicks, Holloway, Hunt, Kendall, Logan, Longshore, McCarty, Milliken, Niblack, Slack, Sleeth, Spann, Teegarden, Turman, Walker, Washburn, and Winstandley.

Mr. Slack moved to amend by striking out all after the word whereas, and insert the following:

During the prosecution of the late war with Mexico, which was commenced against the United States by the act of said Mexican government, certain books, and a painting of Simon De Cassia, were honorably procured and brought to this country by the gallant and chivalric Capt. John S. Simonson as articles of curiosity and interest, presented to the Legislature, and deposited in the State Library; and

**WHEREAS**, It has been represented to this Legislature that some of the Catholic citizens of this State are desirous that the said books and painting should be placed at the disposal of the Rev. John Guigan, the priest in charge of the Catholic church at Indianapolis, to be deposited in the archives of said church; therefore be it

*Resolved by the General Assembly of the State of Indiana*, That the State Librarian be and he is hereby authorized to present to the Rev. John Guigan, the priest in charge of said Catholic church at the city of Indianapolis, the portrait of Simon De Cassia, and the books which were presented to the Legislature of the State of Indiana by the brave and patriotic Capt. John S. Simonson, to be by said Rev. Guigan preserved in the archives of said church.

*Resolved, further*, That the Secretary of State be required to furnish a copy of this joint resolution to the State Librarian, and a copy to the Rev. John Guigan.

Mr. Berry moved the previous question.

Which was seconded.

The question being shall the main question be now put?

It was decided in the affirmative.

The question being on the adoption of the amendment proposed by Mr. Slack.

It was decided in the affirmative; ayes 31, noes 15.

The ayes and noes were demanded by Messrs. Athon and Dunn.

*Those who voted in the affirmative were,*

Messrs. Alexander, Allen, Athon, Berry, Brugh, Crawford, Davis, Delevan, Dougherty, Eddy, Emerson, Goodman, Hanna, Henton, Hester, Hunt, James, Kinnard, Logan, Mickle, Miller, Milliken, Niblack, Saffer, Secrest, Slack, Sleeth, Spann, Turman, Walker, Washburn, and Winstandley.

*Those who voted in the negative were,*

Messrs. Cravens, Dawson, Defrees, Dunn, Hickman, Hicks, Holloway, Kendall, Knowlton, Marshall, McCarty, Odell, Teegarden, and Witherow.

The question being on the engrossment of the bill,

It was decided in the affirmative, ayes, 41, noes, 6.

The ayes and noes were demanded by Messrs. Athon and Holloway.

*Those who voted in the affirmative were,*

Messrs. Alexander, Allen, Athon, Berry, Brugh, Crawford, Davis, Dawson, Delevan, Dougherty, Dunn, Eddy, Emerson, Goodman, Hanna, Henton, Hester, Hickman, Holloway, Hunt, James, Knowlton, Logan, Longshore, Marshall, Mickle, Miller, Milliken, Niblack, Odell, Saffer, Secrest, Slack, Sleeth, Spann, Teegarden, Turman, Walker, Washburn, Winstandley, and Witherow.

*Those who voted in the negative were,*

Messrs. Cravens, Defrees, Hicks, Kendall, Kinnard, and McCarty.

Senate bill No. 63. A bill authorizing the issuing of executions and fee-bills in the supreme court in cases upon which no execution or fee-bill has issued for three years from the rendition of judgment, and where fees have not been collected for three or more years from the termination of the suit in which the same is taxed ;

Was read a second time, considered as in committee of the whole, reported to the Senate without amendment, and ordered to be engrossed for a third reading.

Senate bill No. 62. A bill defining the duties of county treasurers;

Was read a second time, and,

On motion by Mr. Emerson,

Was referred to the committee on Finance.



Senate bill No. 61. A bill to suppress tippling houses, and providing for assessing damages against those who shall sell or give away intoxicating liquor and repealing all laws conflicting with its provisions ;

Was read a second time by its title; when,

On motion by Mr. Sleeth,

It was referred to the committee on Printing.

The following message was received from the House of Representatives, by Mr. Sites, their Clerk :

**MR. PRESIDENT :**

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill of the Senate, with one engrossed amendment:

No. 36. Entitled "An act for the relief of purchasers of school lands, where no record has been made of the appraisement as required by any previous law, and the confirmation of titles to lands previously sold, and prescribing the duties of county auditors in relation thereto."

In which the concurrence of the Senate is respectfully requested.

The amendment of the House was concurred in.

Also, the following message was received from the House of Representatives, by Mr. Sites, their Clerk:

**MR. PRESIDENT :**

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bills thereof:

No. 34. Entitled "An act authorizing recorders to make out general or complete indexes to records of deeds and mortgages, and to procure and use seals."

No. 61. Entitled "A bill to prevent the destruction or injury of animals, and the destruction of human life by railroads, and to provide compensation for the same."

Also, joint resolution No. 14, entitled "A joint resolution in relation to constructing a canal around the falls of the Ohio River."

In which the concurrence of the Senate is respectfully requested.

The accompanying bills and joint resolution were each read a first time and passed to a second reading.

Mr. Emerson moved to take from the table Senate bill

No. 5. A bill for the organization of a county court in the nature of a court of common pleas, for each county in this State.  
Which motion prevailed.

Mr. Emerson moved to postpone the further consideration of the bill, and make it the special order of the day on Monday next at 2 o'clock of that day.

Mr. Sleeth moved to amend so as to postpone and make it the special order of the day for Thursday next at 2 o'clock of that day.  
Which motion prevailed.

And the motion, as amended, was decided in the affirmative.

Mr. Cravens presented the petition of the Board of Directors of the Harristown and Brownstown Plank Road Company, relative to changing the charter so as to make it a railroad company.

Which,

On motion,

Was referred to the committee on Corporations.

Mr. Niblack offered the following resolution:

*Resolved*, That the committee on the Judiciary be instructed to inquire whether an act entitled "An act to provide for the election of prosecuting attorneys in the 4th and 8th judicial circuits," approved January 16, 1849, is repealed by an act entitled "An act to repeal an act therein named, and to revive the statutes of 1843 relative to the election of prosecuting attorneys," approved February 14, 1851, and to report by bill or otherwise.

Which was adopted.

Mr. Niblack asked leave to record his vote on the passage of Senate bill

No. 6. A bill to carry into effect the 13th article of the Constitution of Indiana.

Which was granted.

He voted aye.

On motion by Mr. Miller,  
The Senate adjourned.

SATURDAY MORNING, 9 o'clock, }  
January 24, 1852.

The House met.

The journal of yesterday was read.

#### PETITIONS, MEMORIALS AND REMONSTRANCES.

Mr. Davis presented the petition of sundry citizens of Vermillion county, relative to a seminary of learning;

Which,

On his motion,

Was referred to the committee on Education.

#### REPORTS.

Mr. Marshall, from the Judiciary committee, submitted the following report:

#### MR. PRESIDENT:

The Judiciary committee to which was referred bill of the House No. 69, have had that subject under consideration, and have directed me to report the same back with the following amendments, and ask the concurrence of the Senate:

*First.* Strike out the 8th section.

*Second.* Strike out of the 11th section all after the word "enforce" in the 7th line, and insert the following: "by action of debt in any court or before any justice of the peace having jurisdiction, and all property sold on execution, in such case shall be sold for the best price without appraisement or valuation.

*Third.* Strike out of the 13th section all after the word "stockholder."

*Fourth.* Insert in the 14th section, next after the word "assembly" in the 1st line, the words "by vote of two-thirds." Also, strike out all of said section after the 7th line.

Mr. Berry moved that each amendment be considered separately.

Mr. Mickle moved to lay the bill and amendments on the table, and print 150 copies;

Which was decided in the affirmative.

Mr. Slack, from the committee on the Judiciary, submitted the following report:

MR. PRESIDENT:

The Judiciary committee, to which was referred the communications of His Excellency the Governor and the Hon. Alexander Vattemare, would report that they have had the same under consideration, and have requested me to report the same back for the consideration of the Senate, and ask to be discharged from the further consideration of the subject.

Which was concurred in, and,

On motion,

The communications were laid on the table.

Mr. Sleeth, from the committee on the Judiciary, submitted the following report:

MR. PRESIDENT:

The Judiciary committee, to whom was referred House bill No. 98, entitled "An act authorizing the circuit courts of this State to try and determine indictments for felony on an enrolled copy thereof duly certified," have had that subject under consideration, and have directed me to report the same back to the Senate with two amendments, which, on being concurred in by the Senate, recommend its passage.

Amend section 1st, by striking out the proviso therein, and insert the following proviso in lieu thereof:

*Provided, however,* That in all such cases the defendant's consent in open court shall first be given to go to trial on such copy, and waive the production of the original indictment. Then, in that case, the trial shall be had, and all proceedings connected therewith, as if the original indictment was before the court; and the defendant being tried thereon, and having once given such consent, such defendant shall not be permitted to withdraw the same.

Amend section 2d by striking out the same from the word "act," in the 3d line thereof, and insert in lieu thereof the following:

"Inasmuch as there is now a case pending in this State upon the provisions of which this act will operate, otherwise the defendant will have to remain in prison an unreasonable length of time; therefore, the same shall take effect and be in force from and after its passage.

Which was concurred in.

Mr. Marshall moved to amend by inserting after the word "destroyed," the word "mis-laid."

Which was adopted, and the amendment ordered to be engrossed for a third reading.

Mr. Holloway, from the committee on Printing, submitted the following report:

MR. PRESIDENT:

The committee on Printing, to which was referred Senate bill No. 61, have examined the same, and have directed me to report the same back to the Senate, and recommend that it be laid on the table, and printed.

Which was concurred in.

Mr. Secrest, from the committee on the Organization of courts, submitted the following report:

MR. PRESIDENT:

The committee on the Organization of Courts, to whom was referred Senate bill No. 57, entitled, "A bill regulating the salaries of clerks of the circuit courts, auditors, treasurers and recorders of the several counties in this State," have, according to order, had the same under consideration, and have directed me to report the same back to the Senate, and recommend that said bill be indefinitely postponed.

Mr. Emerson moved to lay the bill on the table.

Which was agreed to.

Mr. Secrest, from the same committee, submitted the following report:

MR. PRESIDENT:

The committee on the Organization of Courts, to whom was referred the petition of sundry citizens of Union county, praying for a change in the law in relation to the appointment of executors and administrators, have had the same under consideration, and have directed me to report that, in the opinion of said committee, it is inexpedient to legislate upon that subject, and to ask that said committee be discharged from the further consideration thereof.

Which was concurred in.

Mr. Emerson, from the same committee, submitted the following report:

MR. PRESIDENT:

The committee on the Organization of courts of Justice, to whom was referred House bill No. 56, entitled "a bill making general pro-

visions concerning courts of Justice, and the powers and duties of Judicial officers," have considered the same and have proposed two amendments thereto and have instructed me to report said bill and amendments to the Senate and if said amendments shall be adopted the committee recommend the passage of said bill.

Amend as follows:

1st. In the 2nd line of the 8th section of the said bill after the word "pleas" insert the words "or Probate courts."

2nd. In the 5th line of the 18th section, strike out the words "chief Judge or in his absence by the remaining Judges" and insert in lieu thereof the words "by the Judges thereof."

Which was concurred in.

The bill was read a second time and the amendments ordered to be engrossed for a third reading.

Mr. Berry from the committee on Federal Relations, submitted the following report:

MR. PRESIDENT:

The committee on Federal Relations to whom was referred Joint resolution, No. 13, of the House, entitled "a Joint resolution instructing our Senators and requesting our Representatives in Congress to procure a site for a National Armory on the waters of the Ohio River, at Evansville, in the State of Indiana," have had that subject under consideration and a majority recommend one amendment which when adopted, they recommend its passage.

Amend as follows:

Strike out of line eight the words "at Evansville."

The question being on the adoption of the amendment proposed by the committee.

It was decided in the negative. Ayes, 12. Noes, 34.

The ayes and noes were demanded by Messrs. Winstandley and Delevan.

*Those who voted in the affirmative were,*

Messrs. Athon, Berry, Cravens, Dunn, Emerson, Hicks, Kinnard, Logan, Milliken, Odell, Spann and Winstanley.

*Those who voted in the negative were,*

Messrs. Alexander, Allen, Crawford, Davis, Dawson, Defrees, Delevan, Dougherty, Eddy, Goodman, Hanna, Hatfield, Henton, Hester, Hickman, Holloway, Hunt, James, Kendall, Knowlton, Longshore, Marshall, McCarty, Miller, Niblack, Saffer, Secrest, Slack, Sleeth, Teegarden, Turman, Walker, Washburn and With-  
erow.

The Joint resolution was then read a second time and ordered to a third reading.

The following message was received from the House of Representatives, by Mr. Sites, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has concurred in the engrossed amendment of the Senate to the engrossed bill of the House

No. 68, entitled an act to change the time of holding courts in the 8th judicial circuit.

#### RESOLUTIONS.

Mr. Defrees offered the following resolution:

*Resolved*, That the committee on the Organization of Courts be instructed to inquire into the propriety of reporting a bill organizing a system of probate circuit courts.

Which was adopted.

Mr. Teegarden offered the following resolution:

*Resolved*, That when the Senate adjourn, it will adjourn to meet at 9 o'clock on Monday next.

Which was adopted—ayes 24, noes 22.

The ayes and noes were demanded by Messrs. Emerson and Miller.

*Those who voted in the affirmative were,*

Messrs. Alexander, Allen, Athon, Davis, Dawson, Defrees, Dougherty, Dunn, Hanna, Holloway, Hunt, Kendall, Kinnard, Logan, Longshore, Marshall, McCarty, Niblack, Odell, Saffer, Sleeth, Teegarden, Turman, and Walker.

*Those who voted in the negative were,*

Messrs. Berry, Cravens, Crawford, Delevan, Eddy, Emerson, Goodman, Hatfield, Henton, Hester, Hickman, Hicks, James, Knowlton, Miller, Milliken, Secrest, Slack, Spann, Washburn, Winstandley, and Witherow.

Mr. Secrest offered the following resolution :

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of providing by law that the fees adjudged against defendants in criminal prosecutions shall be collected as other fees are collected by law in civil causes.

Which was adopted.

#### ORDERS OF THE DAY.

##### *Bills on their Third Reading.*

No. 55 of the Senate. A joint resolution in relation to certain articles taken from cathedrals in Mexico;

Was read a third time, when

Mr. Dunn moved to recommit the joint resolution to the committee on the State Library, with the following instructions :

Instruct said committee to strike out the preamble and amend the first resolution so as to read :

That the State Librarian be and he is hereby authorized and required to deliver to the Rev. J. Gueguen, the priest in charge of the Catholic church in the city of Indianapolis, upon his application therefor, the portrait and three volumes of books presented to said library by Capt. J. S. Simonson, December the 8th, 1847, and accepted by a joint resolution of the General Assembly of the State of Indiana at its session of 1847-8.

Mr. Cravens moved to indefinitely postpone the joint resolution and pending instructions.

Which was decided in the negative; ayes 16, noes 31.

The ayes and noes were demanded by Messrs. Dunn and Holloway.

*Those who voted in the affirmative were,*

Messrs. Cravens, Dawson, Defrees, Dougherty, Goodman, Hester,



Hicks, James, Kinnard, McCarty, Miller, Milliken, Saffer, Secrest, Spann, and Washburn.

*Those who voted in the negative were,*

Messrs. Alexander, Allen, Athon, Berry, Crawford, Davis, Delevan, Dunn, Eddy, Emerson, Hanna, Hatfield, Henton, Hickman, Holloway, Hunt, Kendall, Knowlton, Logan, Longshore, Marshall, Mickle, Niblack, Odell, Slack, Sleeth, Teegarden, Turman, Walker, Winstandley, and Witherow.

Mr. Dunn moved the previous question.

Which was seconded.

The question being, shall the main question be now put?

It was decided in the affirmative.

The question then being on committing with instructions,

A division of the question being called for, and the President having decided the question divisible, the first question was,

Will the Senate commit joint resolution No. 55?

Which was decided in the negative; ayes 17, noes 29.

The ayes and noes were demanded by Messrs. Dunn and Athon.

*Those who voted in the affirmative were,*

Messrs. Dawson, Defrees, Dunn, Eddy, Holloway, Kendall, Knowlton, Logan, Marshall, McCarty, Mickle, Milliken, Odell, Teegarden, Turman, Winstandley, and Witherow.

*Those who voted in the negative were,*

Messrs. Alexander, Allen, Athon Berry, Cravens, Crawford, Davis, Delevan, Dougherty, Emerson, Goodman, Hanna, Hatfield, Henton, Hester, Hickman, Hicks, James, Kinnard, Longshore, Miler, Niblack, Saffer, Secrest, Slack, Sleeth, Spann, Walker, and Washburn.

The question then being on the passage thereof.

It passed; ayes 31, noes 14.

*Those who voted in the affirmative were,*

Messrs. Allen, Athon, Berry, Crawford, Davis, Delevan, Dunn, Eddy, Emerson, Hanna, Hatfield, Henton, Hickman, Holloway, Knowlton, Logan, Longshore, Marshall, McCarty, Mickle, Miller, Niblack, Odell, Secrest, Slack, Sleeth, Spann, Teegarden, Walker, Winstandley, and Witherow.

*Those who voted in the negative were,*

Messrs. Alexander, Cravens, Defrees, Dougherty, Goodman, Hester, Hicks, Hunt, James, Kendall, Kinnard, Milliken, Saffer, and Washburn.

Mr. Slack moved to amend the title as follows:

Amend title by striking out from the word "articles," and insert the following:

Which were honorably obtained in Mexico, and deposited in the State Library as articles of curiosity and interest, by the gallant and chivalric Capt. John S. Simonson.

Which motion prevailed. Ayes 35; noes 8.

The ayes and noes were demanded by Messrs. Slack and Dunn.

*Those who voted in the affirmative were,*

Messrs. Alexander, Allen, Athon, Berry, Cravens, Crawford, Davis, Delevan, Dougherty, Eddy, Emerson, Hanna, Hatfield, Henton, Hester, Hickman, Hicks, Hunt, James, Kinnard, Knowlton, Logan, Longshore, McCarty, Mickle, Miller, Milliken, Niblack, Saffer, Secrest, Slack, Sleeth, Spann, Walker, and Washburn.

*Those who voted in the negative were,*

Messrs. Defrees, Dunn, Holloway, Kendall, Marshall, Odell, Teegarden, and Witherow.

Ordered that the Secretary notify the House thereof.

When,

On motion by Mr. Longshore,  
The Senate adjourned.

MONDAY MORNING, }  
January 26, 1852. }

The Senate met.

The Journal of Saturday was read.

#### PETITIONS.

Mr. Defrees presented the petition of citizens of Elkhart county, praying the passage of an act providing for the assessment and collection of taxes by township assessors;

Which,

On his motion,

Was referred to the committee on County and Township business.

#### REPORTS.

Mr. Secrest, from the committee on the Organization of Courts, submitted the following report:

MR. PRESIDENT:

The committee on the Organization of Courts, to whom was referred Senate bill No. 45, entitled "A bill to organize the circuit court, and define its powers and jurisdiction," have, according to order, had the same under consideration, and have directed me to report the same back to the Senate, with a recommendation that it be printed for the use of the Senate.

Which was concurred in, and 250 copies ordered to be printed.

Mr. Turman, from the committee on Enrolled bills, submitted the following report:

MR. PRESIDENT:

House bills Nos. 15 and 67, were this day presented by the joint committee on Enrolled bills, to His Excellency, Governor Joseph A. Wright, for his approval.

The following message was received from the House of Representatives, by Mr. Sites, their Clerk.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the Speaker has signed Enrolled bills of the House No. 15 and 67, which I am directed to bring to the Senate for the signature of the President thereof.

#### ORDERS OF THE DAY.

On motion by Mr. Mickle,  
A call of the Senate was ordered.

On motion by Mr. Spann,  
Leave of absence was granted to Mr. Brugh.

On motion by Mr. Emerson,  
Leave of absence was granted to Mr. Hester.

#### BILLS ON THE THIRD READING.

Senate bill No. 58. A bill providing for the districting of the State of Indiana into Congressional districts;

Was read a third time; when

Mr. Slack moved the previous question.

Which was not seconded. Ayes 25; noes 21.

The ayes and noes were demanded by Messrs. Dawson and Berry.

*Those who voted in the affirmative were,*

Messrs. Alexander, Allen, Athon, Crawford, Defrees, Delevan, Dougherty, Eddy, Emerson, Hanna, Hatfield, Hickman, Hicks, Kinard, Knowlton, McCarty, Mickle, Miller, Saffer, Secrest, Slack, Sleeth, Spann, Teegarden, and Turman.

*Those who voted in the negative were,*

Messrs. Berry, Cravens, Davis, Dawson, Dunn, Goodman, Henton, Holloway, Hunt, James, Kendall, Logan, Longshore, Marshall, Milliken, Niblack, Odell, Walker, Washburn, Winstandley and Witherow.

Mr. Dawson moved to refer the bill to a select committee of one from each of the present congressional districts, which committee to be designated by a majority of Senators from said districts respectively; with instructions to inquire into the expediency of making amendments to the bill, so as to do more ample justice to the whole State.

Mr. Emerson moved the previous question.

Which was not seconded—ayes 24, noes 21.

The ayes and noes were demanded by Messrs. Goodman and Berry.

*Those who voted in the affirmative were,*

Messrs. Allen, Athon, Crawford, Defrees, Delevan, Dougherty, Eddy, Emerson, Hatfield, Hickman, Hicks, Kendall, Kinnard, Knowlton, McCarty, Mickle, Saffer, Secrest, Slack, Sleeth, Spann, Teegarden, Turman; and Witherow.

*Those who voted in the negative were,*

Messrs. Alexander, Berry, Cravens, Davis, Dawson, Dunn, Goodman, Hanna, Henton, Holloway, Hunt, James, Logan, Longshore, Marshall, Miller, Milliken, Niblack, Walker, Washburn, and Winstandley.

The question then being on referring with instructions, a division being called for, and the President having decided the question divisible, the first question was,

Will the Senate refer Senate bill No. 58, to a select committee?

Which was decided in the negative—ayes 17, noes 29.

The ayes and noes were demanded by Messrs. Berry and Dawson.

*Those who voted in the affirmative were,*

Messrs. Alexander, Berry, Dawson, Goodman, Hanna, Hatfield, Henton, Holloway, Hunt, James, Longshore, Marshall, Miller, Milliken, Walker, Washburn, and Winstandley.

*Those who voted in the negative were,*

Messrs. Allen, Athon, Cravens, Crawford, Davis, Defrees, Delevan, Dougherty, Dunn, Eddy, Emerson, Hickman, Hicks, Kendall, Kinnard, Knowlton, Logan, McCarty, Mickle, Niblack, Odell, Saffer, Secrest, Slack, Sleeth, Spann, Teegarden, Turman, and Witherow.

The question being, Shall the bill pass?

It was decided in the affirmative—ayes 27, noes 19.

*Those who voted in the affirmative were,*

Messrs. Allen, Athon, Cravens, Crawford, Defrees, Delevan, Dougherty, Eddy, Emerson, Hickman, Hicks, Holloway, Kendall,

Kinnard, Knowlton, Logan, McCarty, Mickle, Milliken, Odell, Saffer, Secrest, Slack, Sleeth, Spann, Teegarden and Turman.

*Those who voted in the negative were,*

Messrs. Alexander, Berry, Davis, Dawson, Dunn, Goodman, Hanna, Hatfield, Henton, Hunt, James, Longshore, Marshall, Miller, Niblack, Walker, Washburn, Winstandley and Witherow.

Ordered that the Secretary inform the House thereof.

Senate bill No. 63. A bill authorizing the issuing of executions and fee bills in the Supreme Court, in cases upon which no execution or fee bill has been issued for three years from the rendition of judgment, and where fees have not been collected for three or more years from the termination of the suit in which the same is taxed;

Was read a third time and passed—ayes 36, noes 6.

*Those who voted in the affirmative were,*

Messrs. Alexander, Allen, Athon, Crawford, Dougherty, Dunn, Eddy, Goodman, Hanna, Hatfield, Henton, Hickman, Hicks, Holloway, Hunt, James, Kendall, Kinnard, Knowlton, Logan, Longshore, Marshall, McCarty, Miller, Milliken, Niblack, Odell, Saffer, Secrest, Slack, Teegarden, Walker, Washburn, Winstandley, and Witherow.

*Those who voted in the negative were,*

Messrs. Berry, Cravens, Davis, Delevan, Emerson, and Spann.

Ordered that the Secretary inform the House thereof.

House joint resolution No. 13. A joint resolution instructing our Senators and requesting our Representatives in Congress to procure the site for a National Armory on the waters of the Ohio River, at Evansville, in the State of Indiana;

Which was read a third time, when

Mr. Berry moved to recommit to a select committee with the following instructions:

Strike out the words "on the waters of the Ohio River, at Evansville."

On motion by Mr. Alexander,  
The motion to recommit was laid on the table.

The question being, Shall the joint resolution pass?  
It was decided in the affirmative—ayes 37, noes 7.

*Those who voted in the affirmative were,*

Messrs. Alexander, Allen, Athon, Cravens, Crawford, Davis, Dawson, Defrees, Delevan, Eddy, Emerson, Goodman, Hanna, Hatfield, Henton, Hickman, Holloway, James, Kendall, Kinnard, Knowlton, Logan, Longshore, Marshall, McCarty, Mickle, Milliken, Niblack, Odell, Saffer, Secrest, Spann, Teegarden, Turman, Walker, Washburn, and Witherow.

*Those who voted in the negative were,*

Messrs. Berry, Dougherty, Dunn, Hicks, Hunt, Miller, and Winstandley.

Ordered that the Secretary inform the House of the passage thereof.

House bill No. 56. A bill making general provisions concerning courts of justice, and powers and duties of judicial officers;

Was read a third time, and

The question being, shall the bill pass?

It was decided in the affirmative—ayes 42, noes 2.

*Those who voted in the affirmative were,*

Messrs. Allen, Athon, Berry, Cravens, Crawford, Dawson, Defrees, Delevan, Dougherty, Dunn, Eddy, Emerson, Goodman, Hanna, Hatfield, Henton, Hickman, Hicks, Holloway, Hunt, James, Kendall, Kinnard, Knowlton, Logan, Longshore, McCarty, Mickle, Miller, Milliken, Niblack, Odell, Saffer, Secrest, Slack, Spann, Teegarden, Turman, Walker, Washburn, Winstandley, and Witherow.

Messrs. Alexander and Marshall voted in the negative.

Ordered that the Secretary inform the House thereof.

House bill No. 98. An act authorizing circuit courts of this State to try and determine indictments for felony on an enrolled copy thereof;

Was read a third time, and

The question being, Shall the bill pass?

It was decided in the affirmative—ayes 34, noes 10.

*Those who voted in the affirmative were,*

Messrs. Alexander, Allen, Athon, Berry, Crawford, Defrees, Del-  
evan, Doughty, Dunn, Hatfield, Henton, Hester, Hicks, Hunt, James,  
Kendall, Kinnard, Knowlton, Logan, Longshore, Marshall, McCarty,  
Mickle, Miller, Milliken, Niblack, Odell, Saffer, Secrest, Slack, Tur-  
man, Walker, Washburn, Winstandley and Witherow.

*Those who voted in the negative were,*

Messrs. Cravens, Dawson, Eddy, Emerson, Goodman, Hanna,  
Hickman, Holloway, Spann and Teegarden.

Ordered that the clerk inform the House thereof.

#### BILLS ON THE SECOND READING.

House Joint resolution, No. 14. A Joint resolution in relation to  
constructing a canal around the falls of the Ohio River.

Was read a second time and passed to a third reading.

House bill No. 61. A bill to prevent the destruction of, or inju-  
ry of animals, and the destruction of human life, by Railroads, and  
to provide compensation for the same.

Was read a second time.

When,

On motion by Mr. Winstandley,

It was referred to the committee on the Judiciary.

House bill No. 34. A bill authorizing Recorders to make out  
complete or general indexes to records of deeds and mortgages and  
to procure and use seals.

Was read a second time,

When,

On motion by Mr. Mickle,

It was referred to the committee on the Judiciary.

On motion by Mr. Mickle,

The Senate adjourned.



2 o'clock, P. M.

The Senate met.

Mr. Emerson introduced

No. 64. A bill authorizing any company heretofore organized under the provisions of any general or special law of this State, for the purpose of constructing a Plank, Turnpike, Gravel, McAdamised or Coal road to construct a Rail road, and prescribing the manner in which such change may be made.

Which was read a first time and passed to a second reading.

The following message was received from the House of Representatives, by Mr. Sites their Clerk.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House have passed the following engrossed bill thereof:

No. 83. An act to divide the State into congressional districts.

In which the concurrence of the Senate is respectfully requested.

The accompanying bill was read a first time and passed to a second reading.

Also, the following message was received from the House of Representatives, by Mr. Sites, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof:

No. 27. Entitled, an act for the more uniform mode of doing township business.

In which the concurrence of the Senate is respectfully requested.

The accompanying bill was read a first time and passed to a second reading.

Also, the following message was received from the House of Representative, by Mr. Owen, a member:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof:

No. 54. Entitled, a bill regarding the forms of deeds and mortgages, and of their acknowledgment.

In which the concurrence of the Senate is respectfully requested.

The accompanying bill was read a first time and passed to a second reading.

The following message was received from the House of Representatives, by Mr. Sites, their Clerk:

MR. PRESIDENT:

I am directed by the House to inform the Senate that the House have passed the following resolutions, in which the concurrence of the Senate is respectfully requested:

*Resolved*, The Senate concurring, that the commissioners appointed under the 30th section of the 7th article of the Constitution, be instructed to insert, at the proper places, in the code of practice to be prepared by them, provisions, in substance, as follows:

1. If a demurrer, exception or motion, raising a law point for the decision of any circuit court, be adjudged frivolous, the same shall be overruled at the cost of the attorney filing the same, or representing the party for whom the same is filed.

2. All surplusage or tautology in allegation, shall be considered matter of substance before verdict or judgment, but not afterwards; and leave to amend, by striking out such surplusage or tautology may be granted at the costs of the attorney filing such matter of allegation, or representing the party for whom the same is filed. And this rule shall be so construed as that costs resulting from the delay incident to the adjudication upon such surplusage or tautology, or from such leave to amend, shall be taxed against such attorney.

3. The payment of costs, taxed against attorneys, under the above provisions, may be enforced by attachment, judgment, or suspension from practice, or by each of these remedies seriatim.

4. If any case in the Supreme Court, it shall be the duty of said court to ascertain, by reference or otherwise, the amount of surplusage or matter not strictly appertaining to the record set forth in the transcript certified from the inferior court; and, in such case, to calculate the fees for such surplusage, or matter not appertaining to the record, and certify the same in their judgment, ordering the inferior court to cause the amount of such surplusage so calculated, and the cost of reference, if any, to be refunded by the proper clerk to the proper party.

5. Such inferior court shall enforce such refunding by attachment or by judgment and execution, as of a debt of record against a party in court.

Mr. Mickle moved to lay the accompanying resolution on the table.

Which motion prevailed.

Also, the following message was received from the House of Representatives, by Mr. Sites, their Clerk:

**MR. PRESIDENT:**

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bills thereof:

No. 88. Entitled "A bill for the taking up of animals going astray, and water craft, and other articles of value adrift."

No. 90. Entitled "A bill to repeal an act amendatory to an act incorporating the city of Evansville," approved January 15, 1850.

In which the concurrence of the Senate is respectfully requested.

The accompanying bills were severally read a first time and passed to a second reading.

Mr. Turman, from the joint committee on Enrolled Bills, submitted the following report:

**MR. PRESIDENT:**

The joint committee on Enrolled Bills having compared enrolled bill No. 36 of the Senate, with the engrossed copy thereof, and engrossed amendment thereto of the House, report that they find it correct.

On motion by Mr. Turman,  
The Senate adjourned.

TUESDAY MORNING, }  
January 27, 1852. }

The Senate met.

The journal of yesterday was read.

PETITIONS, &c.

Mr. Defrees presented the petition of citizens of Elkhart county, on the subject of township assessors ;

Which,

On his motion,

Was referred to the committee on County and Township Business.

Mr. Delevan, from the committee on Agriculture, submitted the following report :

MR. PRESIDENT :

The committee on Agriculture, to whom was referred a resolution of the Senate inquiring into the expediency of so amending the law concerning mills and millers that hereafter the charge for grinding grain shall not exceed one-tenth bushel, have had the same under consideration, and instructed me to report that in the opinion of the committee it is inexpedient to legislate on that subject, and ask to be discharged from a further consideration of the subject.

Which was concurred in.

Mr. Miller, from the same committee, submitted the following report :

MR. PRESIDENT :

The committee on Agriculture, to whom was referred a resolution of the Senate to inquire into the propriety of so changing the present law in relation to line fences as to more effectually protect the interest of farmers, have had the same under consideration and have directed me to report the same back to the Senate that it is inexpedient to legislate on that subject.

Which was concurred in.

Mr. Kendall, from the same committee, submitted the following report :

MR. PRESIDENT:

The committee on Agriculture, to whom a resolution of the Senate was referred instructing them to inquire what changes, if any, were necessary to be made in the existing estray laws, have considered the same, and have directed me to report the same back to the Senate and ask to be discharged from the further consideration thereof.

Which was concurred in.

The following message was received from the House of Representatives, by Mr. Sites, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed joint resolution of the Senate:

No. 26. Entitled a joint resolution for the purpose of obtaining from the General Government a grant of the unsold lands belonging thereto in the Vincennes district, for the benefit of common schools; Without amendment.

#### BILLS INTRODUCED.

By Mr. Goodman:

No. 65. A bill to regulate general and special elections, preserve the purity thereof, and fixing the compensation of inspectors, judges and clerks, and the time and manner of holding the same;

Which was read a first time, and passed to a second reading.

#### ORDERS OF THE DAY.

##### *Bills on their third reading.*

House joint resolution No. 14. A joint resolution in relation to constructing a canal around the Falls of the Ohio River;

Was read a third time, when

Mr. Teegarden moved to recommit to a select committee, with the following instructions:

Insert in the proper place, "also an appropriation for the improvement of the harbor at Michigan City on Lake Michigan."

A division of the question being called for, and the President having decided the question divisible, the first question, Will the Senate recommit House joint resolution No. 14, to a select committee?

Was decided in the negative.

The question then being, shall the joint resolution pass?

It was decided in the affirmative—ayes 34, noes 4.

*Those who voted in the affirmative were,*

Messrs. Alexander, Allen, Athon, Cravens, Crawford, Dawson, Delevan, Dunn, Eddy, Emerson, Goodman, Hatfield, Henton, Hickman, Hicks, Holloway, James, Kendall, Knowlton, Logan, Longshore, Marshall, McCarty, Miller, Milliken, Niblack, Odell, Saffer, Secrest, Sleeth, Spann, Teegarden, Turman, Walker, Washburn, and Witherow.

*Those who voted in the negative were,*

Messrs. Dougherty, Mickle, Slack, and Winstandley.

Ordered that the Secretary inform the House of the passage thereof.

#### BILLS ON THEIR SECOND READING.

House bill No. 90. A bill to repeal an act amendatory to an act incorporating the city of Evansville, approved Jan. 15th, 1850;

Which was read a second time by its title, and referred to a select committee.

The President appointed Messrs. James, Slack, and Henton said committee.

House bill No. 27. A bill for the more uniform mode of doing township business;

Was read a second time, when,

On motion by Mr. Mickle,

It was laid on the table, and ordered to be printed.

House bill No. 83. An act to divide the State into Congressional districts;

Was read a second time by its title, and

On motion by Mr. Winstandley,

Was referred to a select committee of one from each congressional district.

Messrs. Winstandley, Goodman, Knowlton, Hickman, Hunt, Delavan, Witherow, Dougherty, Walker, Washburn, and Alexander were appointed said committee.

House bill No. 54. A bill regulating the forms of deeds and mortgages and of their acknowledgment.

Was read a second time by its title, and

On motion,

Was referred to the committee on the Judiciary.

House bill No. 88. A bill for the taking up animals going astray and water craft and other articles of value adrift;

Was read a second time by its title, and,

On motion by Mr. Eddy,

Was laid on the table and ordered to be printed.

Senate bill No. 64. A bill authorizing any company heretofore organized under the provisions of any general or special law of this State, for the purpose of constructing a plank, turnpike, gravel, McAdamized, or coal road, to construct a railroad instead of such plank, turnpike, gravel, McAdamized, or coal road, and prescribing the manner in which such change may be made;

Was read a second time, and,

On motion,

Referred to the committee on Corporations.

The following message was received from the House of Representatives, by Mr. Sites, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bills thereof:

No. 92. An act relative to arbitrations and umpirages.

Also,

No. 94. An act to constitute a council to be composed of officers of State, without whose advice and consent the Governor shall

not have power to grant pardons; and to regulate the granting of such pardons and the remission of fines and forfeitures.

In which the concurrence of the Senate is respectfully requested.

The accompanying bills were each read a first time and passed to a second reading.

Also the following message from the House by Mr. Sites, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has concurred in the engrossed amendments of the Senate to engrossed bill of the House

No. 98. Entitled, an act authorizing the circuit courts of this State to try and determine indictments for felony on an enrolled copy thereof duly certified;

With one engrossed amendment.

In which the concurrence of the Senate is respectfully requested.

In which amendments the Senate concurred.

Also, the following message was received from the House of Representatives, by Mr. Sites, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has refused to concur in the engrossed amendments of the Senate to engrossed bill of the House,

No. 56. Entitled "An act making general provisions concerning courts of justice, and the powers and duties of judicial officers."

On motion by Mr. Emerson,  
The Senate insisted on their amendment.

On motion by Mr. Dougherty,  
The Senate adjourned.

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2 o'clock, P. M.

The Senate met.

The following message was received from the House of Representatives, by Mr. Sites, their Clerk:



MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the Speaker has signed enrolled joint resolution of the House No. 13.

Which I am directed to bring to the Senate for the signature of the President thereof.

Also, the following message was received from the House of Representatives, by Mr. Sites, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the Speaker has signed enrolled bill of the Senate No. 36.

Which I am directed to bring to the Senate for the signature of the President thereof.

Mr. Niblack moved a call of the Senate.

Which was ordered.

The Secretary proceeded with the call.

When,

On motion by Mr. Emerson,

A further call was suspended.

Mr. Emerson moved to take from the table Senate bill

No. 61. A bill to suppress tippling houses, and providing for assessing damages against those who sell or give away intoxicating liquor, and repealing all laws conflicting with its provisions.

Which motion prevailed, and the bill read a second time.

When,

Mr. Goodman moved the following amendment:

Strike out from the enacting clause and insert the following:

That no person shall hereafter be allowed to vend or retail intoxicating liquors or drinks, until he shall have executed to the treasurer of the county, city, town or village, in which he may reside or carry on such business, a bond in the penal sum of one thousand dollars, with two or more sufficient sureties, who shall be residents of the place where such business is carried on, conditioned to pay all damages that the community or individuals may sustain by reason of his or her vending intoxicating liquors; support all paupers, widows and orphans made, or helped to be made, by his or her said traffic, and pay the expenses of all civil and criminal prosecutions made, growing out of or justly attributable to his or her vending or retailing intoxicating liquors and drinks, which bond shall be subject to the

approval of the common council of such city, the trustees of such town or village, or the board of county commissioners of the county in which such city, town or village may be situated: *Provided*, That they shall not be liable for any costs in suits, unless judgment be recovered against him or her, upon the cause of action on which the suit is brought, but they may recover costs as in other cases.

SEC. 2. The bond above required shall be filed with the treasurer of such county, city, town or village, as the case may be, and a copy of the same, certified by such treasurer, shall be received as evidence in all courts of justice in this State.

SEC. 3. It shall be the duty of the treasurer with whom such bond may be filed, to deliver, on demand, a copy of the same to any person who may claim to be injured by such traffic; and the said treasurer shall be entitled to receive from such person who may demand such copy, the sum of twenty-five cents therefor, as his fee for making and certifying such bond, before he delivers a copy thereof.

SEC. 4. It shall be lawful for any married woman to institute and maintain, in her own name, a suit on such bond, for all damages sustained by herself or children, on account of such traffic; and the money, when collected, shall be paid over to her for the use of herself and children.

SEC. 5. No suit for retail liquor bills, shall be entertained by any courts of this State; and when it shall be made to appear to any court before whom a suit may be pending on a promissory note, account, or other evidences of debt, that such note, account, or evidences of debt, was given for retail liquor bills, or any part thereof, such court shall immediately dismiss such suit, at the cost of the plaintiff; and all such notes, accounts, or evidences of debt shall be absolutely void: *Provided*, That the provisions of this section shall not apply to druggists, when the intoxicating liquors were sold for medical purposes, and that the words "vending or retailing," in this act, shall be construed to mean the selling or bartering away intoxicating liquors in quantities less than twenty-eight gallons.

SEC. 6. On the trial of any suit under the provisions of this act, the cause or foundation of which shall be the act of an individual under the influence of intoxicating liquor, it shall only be necessary, in order to sustain the action, to prove that the principal in the bond sold intoxicating liquor to the person so intoxicated, or in liquor (whose acts shall be complained of,) on that day, or the day previous to the commission of the offence.

SEC. 7. Whenever a person shall become a county, township, city, town or village charge, by reason of intemperance, a suit may be instituted, by the proper authorities, on the bond of any person who may have been in the habit of selling intoxicating liquors to such person or pauper, within six months next preceeding such person becoming a public charge.

SEC. 8. Any person who shall vend or retail intoxicating liquors, without first giving the bond required by this act, shall be deemed

guilty of a misdemeanor, and, upon conviction thereof, shall be fined in a sum not less than five, nor more than five hundred dollars, and shall be liable in all respects to the public and individuals, the same as he or she would have been, had he or she given the bond required by this act.

SEC. 9. All suits authorized by the provisions of this act, may be commenced and prosecuted before justices of the peace, when the damages claimed do not exceed one hundred dollars, although the penalty in the bond may exceed that amount, and the judgment shall be for the damages proved; and a judgment on the bond required by this act, shall not be a bar to further proceedings on the bond until the judgment or judgments so obtained, shall be equal to the whole amount of the bond.

SEC. 10. Whenever judgment shall be obtained on any bond given under the provisions of this act, shall be equal or exceed in amount the sum specified in such bond, the person so vending or retailing intoxicating liquors shall give a new bond to be executed, approved and filed in the same manner as provided in this act; and a refusal or neglect to give such bond, shall subject the vender or retailer aforesaid to all the penalties which would follow the vending or retailing intoxicating liquors without giving the bond in the first instance.

SEC. 11. All power granted to the common council of any city, or the trustees of any town or village, or board of county commissioners of any county, to grant license for the sale of intoxicating liquors, or charge any tax for the same, except as provided in this act, is hereby repealed; and it shall be the duty of each judge of the circuit court especially to charge the grand jury at every term of such court to inquire into all offences committed against the provisions of this act.

SEC. 12. All moneys accruing from fines imposed under the provisions of this act, when collected, shall be paid into the county treasury for the use of common schools in such county, except as is otherwise provided in this act.

SEC. 13. That all laws or parts of laws heretofore enacted and now in force in the several counties in this State in relation to the selling, vending and bartering intoxicating liquors, and inconsistent with the provisions of this act, be and the same are hereby repealed: *Provided*, That this act shall in no wise affect any prosecutions already commenced or right accrued under the law hereby repealed.

When Mr. Milliken moved to refer the bill and pending amendment to a select committee.

Mr. Secrest moved to refer the same to the committee on the Judiciary;

Which motion did not prevail.

The question then recurring on referring to a select committee,

It was decided in the affirmative.

When,

On motion by Mr. Goodman,  
The Senate adjourned.

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WEDNESDAY MORNING,  
January 28, 1852. }

The Senate met.

The Journal of yesterday was read.

The President announced the following select committee on Senate bill No. 61:

Messrs. Milliken, Crawford, Marshall, Mickle, and Holloway.

#### REPORTS.

Mr. Berry, from the committee on Federal Relations, submitted the following report:

MR. PRESIDENT :

The committee on Federal Relations, to whom was referred joint resolution No. 10—entitled a joint resolution relating to the harbor at Michigan City—have had that subject under consideration, and recommend the amendment, which when adopted they recommend the passage of the resolution.

Add to section 1 the following:

*Provided*, The same can be done at an expense proportionate to the national importance of such harbor for commercial purposes; and further, it is the opinion of this General Assembly, the log-rolling system of getting up harbor and river bills, by which unworthy and worthless points are connected with those of importance, should be discountenanced, but that each work should be supported from its separate merits; and no money should be borrowed or national debt created for such purposes, nor any such work undertaken, except from actual surveys that shall demonstrate the practicability of the contemplated improvements.

On motion by Mr. Berry,

The joint resolution and amendments were laid on the table.

Mr. Athon, from the committee on County and Township Business, submitted the following report:

MR. PRESIDENT:

The standing committee on County and Township Business, to whom was referred the petition of sundry citizens of Elkhart county, relative to appointing assessors and collectors for the several townships in the State, have had the same under consideration, and have directed me to report the petition back and recommend it to be laid upon the table for the present, and ask to be discharged from the further consideration thereof.

Which was concurred in.

Mr. Turman, from the joint committee on Enrolled Bills, submitted the following report:

MR. PRESIDENT:

The joint committee on Enrolled Bills report that they this day presented joint resolution of the House No. 13, to the Governor.

Also, that they have compared enrolled joint resolution No. 14, of the House, with the engrossed copy thereof, and that it is correct.

Mr. Turman, from the same committee, also submitted the following:

MR. PRESIDENT:

The joint committee on Enrolled Bills find joint resolution No. 13, of the House, correctly enrolled.

On motion by Mr. Athon,

The order of business was suspended, when he submitted the following report from the committee on Education:

MR. PRESIDENT:

The committee on Education, to which was referred the petition of the quarterly meeting conference at Perrysville, in Vermillion county, relative to establishing a seminary of learning in said town, to be controlled by the Methodist Conference, have had the same under consideration, and are of opinion that the bill is local in its

character, and therefore ask to be discharged from the further consideration of the subject.

Which was concurred in.

Mr. Athon, from the same committee, submitted the following report:

MR. PRESIDENT:

The standing committee on Education, to whom was referred Senate bill No. 56, relative to dividing the annual dividends arising from stocks in railroads owned by the several counties in this State, and distributing the same to the common schools in said counties, have had the same under consideration, and have directed me to report the bill back and ask its reference to the committee on the Judiciary, believing there is a legal question involved; they therefore ask to be discharged from the further consideration thereof.

Which was concurred in.

Mr. Winstandley, from a select committee, submitted the following report:

MR. PRESIDENT:

The select committee to whom was referred House bill No. 83, entitled "An act to divide the State into Congressional districts," have had the same under consideration, and a majority of the committee have instructed me to report it back to the Senate without amendment, and recommend its passage.

When,

Mr. Mickle moved to amend the bill as follows:

Amend by attaching the county of Adams to the tenth district.

Mr. Athon moved to recommit the bill and pending amendment to the committee on districting the State, with the following instructions:

Strike out from the enacting clause, and insert the following:

SECTION 1. The counties of Posey, Vanderburgh, Warrick, Spencer, Gibson, Pike, Dubois, Knox and Daviess, shall constitute the first district.

SEC. 2. The counties of Perry, Crawford, Harrison, Floyd, Washington, Orange, Martin and Lawrence, shall constitute the second district.

SEC. 3. The counties of Clark, Scott, Jackson, Jefferson, Jennings, Bartholomew and Brown, shall constitute the third district.

SEC. 4. The counties of Ohio, Switzerland, Dearborn, Ripley, Decatur, Franklin and Rush, shall constitute the fourth district.

SEC. 5. The counties of Fayette, Union, Henry, Wayne, Delaware and Randolph, shall constitute the fifth district.

SEC. 6. The counties of Morgan, Johnson, Shelby, Hendricks, Marion and Hancock, shall constitute the sixth district.

SEC. 7. The counties of Sullivan, Greene, Owen, Vigo, Clark, Parke and Putnam, shall constitute the seventh district.

SEC. 8. The counties of Vermillion, Montgomery, Boone, Clinton, Warren, Tippecanoe and Fountain, shall constitute the eighth district.

SEC. 9. The counties of St. Joseph, Laporte, Porter, Lake, Starke, Jasper, Pulaski, White, Benton, Carroll and Cass, shall constitute the ninth district.

SEC. 10. The counties of Elkhart, Lagrange, Steuben, De Kalb, Noble, Kosciusko, Marshall, Whitley, Fulton and Allen, shall constitute the tenth district.

SEC. 11. The counties of Adams, Wells, Huntington, Wabash, Miami, Grant, Blackford, Jay, Howard, Tipton, Hamilton and Madison, shall constitute the eleventh district.

SEC. 12. This act to be in force from and after its passage and publication.

Mr. Berry moved to postpone the further consideration of the bill until Tuesday next, and make it the special order for 2 o'clock P. M. of that day.

Which was decided in the affirmative. Ayes 23; noes 22.

The ayes and noes were demanded by Messrs. Dawson and Mickle.

*Those who voted in the affirmative were,*

Messrs. Alexander, Allen, Athon, Berry, Crawford, Davis, Defrees, Eddy, Emerson, Henton, Hickman, Hicks, Kinnard, Logan, McCarty, Mickle, Niblack, Reid, Secrest, Slack, Spann, Turman, and Washburn.

*Those who voted in the negative were,*

Messrs. Cravens, Dawson, Delevan, Dougherty, Dunn, Goodman, Hatfield, Holloway, Hunt, James, Kendall, Knowlton, Longshore, Marshall, Miller, Odell, Saffer, Sleeth, Teegarden, Walker, Winstandley, and Witherow.

## RESOLUTIONS.

Mr. Reid offered the following resolution:

*Resolved*, That the Senate will, the House concurring, adjourn *sine die* on the 8th day of March next; and that the Law Commissioners be informed of the adoption of this resolution, in order to enable them to report to this Legislature at an early day, the result of their labors.

Which,

On his motion,  
Was laid on the table.

Mr. Secrest moved to take from the table a resolution of the House relative to certain provisions to be inserted in the code of practice now preparing by the Law Commissioners;

Which motion prevailed.

When,

On his motion,

The same was referred to the committee on the Judiciary.

## ORDERS OF THE DAY.

*Bills on their Second Reading.*

Senate bill No. 65. A bill to regulate general and special elections, preserve the purity thereof, and fixing the compensation of inspectors, judges, and clerks, and the time and manner of holding the same;

Was read a second time by its title, and referred to the committee on Elections.

House bill No. 94. A bill to constitute a council, to be composed of officers of State, without whose advice and consent the Governor shall not have power to grant pardons, and to regulate the granting of such pardons, and the remission of fines and forfeitures;

Was read a second time, and,

On motion of Mr. Secrest,  
Referred to the committee on the Judiciary.

House bill No. 92. A bill relative to arbitrations and umpirages;  
Was read a second time, and ordered to a third reading.



The following message was received from the House of Representatives, by Mr. Sites, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House insists on their disagreement to engrossed amendments of the Senate to engrossed bill of the House

No. 56, entitled an act making general provisions concerning courts of justice, and the powers and duties of judicial officers.

On motion by Mr. Emerson,

A committee of Free Conference was appointed on the part of the Senate.

The President appointed Messrs. Emerson and Niblack said committee.

Also, the following message was received from the House of Representatives by Mr. Sites, their clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following bills thereof, to-wit:

No. 103. A bill to provide for the speedy redemption of the outstanding Treasury Notes of the State of Indiana; also,

No. 110. An act to change the time of holding the Probate court in Dearborn county;

In which the concurrence of the Senate is respectfully requested.

The accompanying bills were each read a first time, and passed to a second reading.

Also, the following message was received from the House of Representatives, by their clerk, Mr. Sites:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has appointed Messrs. Stuart and Hudson a committee of conference on the part of the House, to confer with a similar committee on the part of the Senate, in regard to the disagreement of the two houses on House bill

No. 56. An act making general provisions concerning courts of justice, and the powers and duties of judicial officers.

Mr. Emerson moved to take from the table Senate bill No. 19, and make it the special order of the day for 2 o'clock of to-day.

Which motion prevailed.

On motion by Mr. Eddy,  
The Senate adjourned.

2 o'clock, P. M.

The Senate met.

The special order of the day,  
Senate bill No. 19. A bill prescribing rules for the institution and carrying on of prosecutions for offences against the criminal laws, and modifying the grand jury system as permitted by the Constitution ;

Was taken up.

The question being on the adoption of the amendments made by the committee,

On motion by Mr. Emerson,

Each amendment was considered separately.

The question then being, will the Senate concur in the first amendment by the committee? being to add after the word "original," in the first line, the word "concurrent." Also, after the word "unlawfully," in the fourth line, the words "riot, rout, malicious trespass, disturbing religious and other assemblies ;"

It was decided in the affirmative.

The question then being, will the Senate concur in the second proposed amendment? being to strike out all of the sixth specification of the second section and insert in lieu thereof, "the attorney for the State, before or after the grand jury is sworn, may challenge, or move the discharge of any member thereof for good cause shown."

A division of the question being called for, and the President having decided the question divisible, the first question was, "will the Senate strike out the sixth specification of the second section?"

Which was decided in the affirmative.

The second question being, "will the Senate insert the proposed amendment of the committee?"

Was decided in the negative.

On motion by Mr. Niblack,

The vote refusing to insert the provision relative to challenging the grand jurors by the State's attorney, was reconsidered.

The question then being on inserting said provision,

It was decided in the affirmative.

The next question was, will the Senate concur in the third proposed amendment of the committee? being to strike out all of the seventh specification of the second section, and insert the following:

7th. Any accused person imprisoned or upon recognizance, before or after the grand jury is sworn, may challenge or move the discharge of any member for good cause shown, and before proceeding to empanel the grand jury, the court shall cause persons imprisoned to be brought into court, and those upon recognizance to be called, to the intent that they may be present and exercise the right herein secured. Defects in the grand jury created by challenge and discharge may be supplied as the court may award.

A division of the question being called for, the President having decided the question divisible, the first question, on striking out,

Was decided in the affirmative.

The second question, on inserting,

Was decided in the negative.

Mr. Emerson moved to amend as follows :

Insert the word "and" after the word "jurisdiction" in the 42d line ; and strike out of the 42d and 43d lines the following : "and those punishable with death, or by imprisonment in the State Prison."

The ayes and noes were demanded by Messrs. Secrest and Emerson.

When Mr. Dunn moved to recommit with the following instructions :

Recommit with instructions to report the general law in force on the same subject, at the adoption of the present Constitution, excluding all laws and parts of laws on said subject local to any county.

After much debate,

Mr. Emerson moved to postpone the further consideration of the bill till Friday next, and that it be made the special order of the day, for 2 o'clock of that day.

Which was agreed to.

Mr. Mickle, from a select committee, submitted the following report :

**MR. PRESIDENT:**

The committee on Corporations, to which was referred bill of the House, No. 28, an act to amend the charter of the city of Fort Wayne, have, according to order, had the subject matter therein

contained under consideration, and directed me to report the same back to the Senate, and recommend its passage, and the committee ask to be discharged from the further consideration of the subject.

The accompanying bill was read a second time, and ordered to a third reading.

Mr. Niblack, from the committee on Corporations, submitted the following report:

**MR. PRESIDENT:**

The committee on Corporations, to whom was referred the petitions of sundry citizens of this State, praying that railroad and other stocks may be made the basis of banking, have had the same under consideration, and have instructed me to report that it is inexpedient to legislate upon the subject, and recommend that said petitions be laid on the table.

Which was concurred in.

On motion of Mr. Emerson,  
The Senate adjourned.

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TUESDAY MORNING, }  
January 29, 1852. }

The Senate met.

The President, Hon. J. H. Lane, being absent,

On motion by Mr. Reid,

Mr. Mickle called to the chair.

The Journal of yesterday was read.

#### PETITIONS.

Mr. Goodman presented the petitions of citizens and ladies of the

State of Indiana, praying the repeal of all laws licensing the traffic in intoxicating liquors;

Which,

On his motion,

Were referred to the committee on Temperance.

On motion by Mr. Reid,

The resolution relative to a *sine die* adjournment of the General Assembly, was taken from the table.

Mr. Dougherty moved to amend by striking out the "8th of March," and inserting the second Monday in February.

Mr. Niblack moved to lay the resolution and pending amendments on the table.

Which was decided in the negative—ayes 20, noes 22.

The ayes and noes were demanded by Messrs. Reid and Goodman.

*Those who voted in the affirmative were,*

Messrs. Alexander, Allen, Crawford, Dougherty, Eddy, Henton, Hicks, Holloway, Logan, Longshore, McCarty, Mickle, Niblack, Saffer, Secrest, Slack, Sleeth, Spann, Turman, and Walker.

*Those who voted in the negative were,*

Messrs. Berry, Cravens, Dawson, Defrees, Dunn, Emerson, Goodman, Hatfield, Hickman, Hunt, James, Kendall, Kinnard, Knowlton, Marshall, Miller, Odell, Reid, Teegarden, Washburn, Winstandley and Witherow.

Mr. Goodman moved to amend the amendment by striking out the 8th day of March and inserting the 23d day of February.

Mr. Spann moved to postpone the further consideration of the subject until the third Monday in February, and that it be made the special order of the day for 2 o'clock of that day.

Which was decided in the negative—ayes 18, noes 25.

The ayes and noes were demanded by Messrs. Reid and Goodman.

*Those who voted in the affirmative were,*

Messrs. Alexander, Athon, Dougherty, Eddy, Hicks, Holloway, Kendall, Logan, Longshore, McCarty, Mickle, Niblack, Odell, Saffer, Secrest, Sleeth, Spann, and Turman.

*Those who voted in the negative were,*

Messrs. Allen, Berry, Cravens, Crawford, Dawson, Defrees, Dunn, Emerson, Goodman, Hatfield, Henton, Hickman, Hunt, James, Kin-

nard, Knowlton, Marshall, Miller, Reid, Slack, Teegarden, Walker, Washburn, Winstandley and Witherow.

Mr. Eddy moved to lay the resolution and pending amendments on the table.

A division of the question being called for, and the President having decided the question divisible, the first question was on laying the pending amendments on the table.

Which was decided in the negative—ayes 20, noes 24.

The ayes and noes were demanded by Messrs. Dunn and Goodman.

*Those who voted in the affirmative were,*

Messrs. Alexander, Cravens, Davis, Dawson, Emerson, Henton, Holloway, Hunt, James, Kendall, Kinnard, Longshore, McCarty, Mickle, Odell, Reid, Saffer, Spann, Turman and Winstandley.

*Those who voted in the negative were,*

Messrs. Allen, Athon, Berry, Crawford, Defrees, Dougherty, Dunn, Eddy, Goodman, Hatfield, Hickman, Hicks, Knowlton, Logan, Marshall, Miller, Niblack, Secrest, Sleeth, Teegarden, Walker, Washburn, and Witherow.

Mr. Reid moved the previous question.

Which was not seconded.

Mr. Spann moved to postpone the further consideration of the resolution till the 2nd Monday in February, and that it be made the special order of the day, for 2 o'clock of that day.

It was decided in the negative—ayes 17, noes 26.

The ayes and noes were demanded by Messrs. Goodman and Dawson.

*Those who voted in the affirmative were,*

Messrs. Alexander, Athon, Dougherty, Eddy, Hicks, Holloway, Kendall, Logan, Longshore, Mickle, Niblack, Odell, Saffer, Secrest, Sleeth, Spann, and Turman.

*Those who voted in the negative were,*

Messrs. Allen, Berry, Cravens, Crawford, Dawson, Defrees, Dunn, Emerson, Goodman, Hatfield, Henton, Hickman, Hunt, James, Kinnard, Knowlton, Marshall, McCarty, Miller, Reid, Slack, Teegarden, Walker, Washburn, Winstandley and Witherow.

The question then being on striking out "the 8th of March" and inserting "the 23d of February."

A division of the question was called for. The chair, having decided the question divisible, the first question, on striking out,

It was decided in the affirmative—ayes 24, noes 20.

The ayes and noes were demanded by Messrs. Reid and Dougherty.

*Those who voted in the affirmative were,*

Messrs. Alexander, Berry, Crawford, Davis, Defrees, Dougherty, Dunn, Eddy, Hatfield, Hicks, Holloway, Knowlton, Logan, Marshall, Miller, Niblack, Secrest, Slack, Sleeth, Spann, Teegarden, Turman, Walker, and Witherow.

*Those who voted in the negative were,*

Messrs. Allen, Athon, Cravens, Dawson, Emerson, Goodman, Henton, Hickman, Hunt, James, Kendall, Kinnard, Longshore, McCarty, Mickle, Odell, Reid, Saffer, Washburn, and Winstandley.

The question then being, will the Senate insert in the blank, "the 23rd day of February."

It was decided in the negative—ayes 20, noes 24.

The ayes and noes were demanded by Messrs. Goodman and Alexander.

*Those who voted in the affirmative were,*

Messrs. Allen, Athon, Berry, Cravens, Crawford, Davis, Dawson, Defrees, Goodman, Hatfield, Hicks, Kendall, Knowlton, McCarty, Mickle, Miller, Odell, Teegarden, Walker, and Winstandley.

*Those who voted in the negative were,*

Messrs. Alexander, Dougherty, Dunn, Eddy, Emerson, Henton, Hickman, Holloway, Hunt, James, Kinnard, Logan, Longshore, Marshall, Niblack, Reid, Saffer, Secrest, Slack, Sleeth, Spann, Turman, Washburn, and Witherow.

The question then being, "Will the Senate insert the second Monday in February?"

It was decided in the affirmative. Ayes 29; noes 14.

The ayes and noes were demanded by Messrs. Reid and Alexander.

*Those who voted in the affirmative were,*

Messrs. Alexander, Allen, Athon, Berry, Cravens, Crawford, Davis,

Dawson, Dougherty, Dunn, Eddy, Goodman, Hatfield, Hickman, Hicks, Kendall, Knowlton, Logan, Longshore, Marshall, Miller, Niblack, Odell, Reid, Saffer, Slack, Sleeth, Walker, and Witherow.

*Those who voted in the negative were,*

Messrs. Defrees, Emerson, Henton, Holloway, Hunt, James, Kinnard, McCarty, Mickle, Secrest, Spann, Teegarden, Turman, Washburn, and Winsteadley.

Mr. Reid moved to reconsider the vote inserting the "2d Monday of February ;"

Which was decided in the negative. Ayes 14; noes 30.

The ayes and noes were demanded by Messrs. Reid and Kinnard.

*Those who voted in the affirmative were,*

Messrs. Dawson, Emerson, Goodman, Henton, Hunt, James, Kinnard, McCarty, Miller, Spann, Teegarden, Walker, Washburn, and Winsteadley.

*Those who voted in the negative were,*

Messrs. Alexander, Allen, Athon, Berry, Cravens, Crawford, Davis, Defrees, Dougherty, Dunn, Eddy, Hatfield, Hickman, Hicks, Holloway, Kendall, Knowlton, Logan, Longshore, Marshall, Mickle, Niblack, Odell, Reid, Saffer, Secrest, Slack, Sleeth, Turman, and Witherow.

The question then being on the adoption of the resolution as amended,

It was decided in the affirmative. Ayes, 24; noes 20.

The ayes and noes were demanded by Messrs. Goodman and Dawson.

*Those who voted in the affirmative were,*

Messrs. Alexander, Allen, Athon, Berry, Cravens, Davis, Dawson, Dougherty, Dunn, Goodman, Hatfield, Hickman, Hicks, Holloway, Knowlton, Miller, Niblack, Odell, Reid, Saffer, Slack, Sleeth, Winsteadley, and Witherow.

*Those who voted in the negative were,*

Messrs. Crawford, Defrees, Eddy, Emerson, Henton, Hunt, James, Kendall, Kinnard, Logan, Longshore, Marshall, McCarty, Mickle, Secrest, Spann, Teegarden, Turman, Walker, and Washburn.



Mr. Holloway moved to suspend the previous order of business.  
Which was agreed to.

When,

Mr. Holloway, from a select committee, submitted the following report:

MR. PRESIDENT:

The select committee to which was referred a resolution instructing said committee "to inquire into the expediency of creating a board of equalization, whose duty it shall be to equalize the appraisement of real estate in the respective counties of the State," have had the same under consideration, and a majority of said committee have instructed me to report the following bill and recommend its passage.

The accompanying bill,

No. 66. A bill creating a State Board of Equalization, defining their duties, their compensation, and duties of county auditors under this bill,

Was read a first time, and passed to a second reading.

#### ORDERS OF THE DAY.

#### *Bills on their third Reading.*

House bill No. 28. A bill to repeal the eleventh, twelfth, and thirteenth sections of an act to amend an act entitled an act to incorporate the city of Fort Wayne, and all acts and parts of acts amendatory thereto;

Was read a third time, when,

Mr. Defrees moved a call of the Senate.

Which was ordered.

On motion by Mr. Longshore,

Leave of absence was granted to Mr. Delevan on account of sickness.

On motion by Mr. Saffer,

A further call was suspended.

The question being, shall House bill No. 28 pass?

It was decided in the affirmative; ayes 32, noes 5.

*Those who voted in the affirmative were,*

Messrs. Alexander, Allen, Berry, Cravens, Crawford, Defrees, Eddy, Henton, Hickman, Hicks, Holloway, Hunt, James, Kendall, Kin-

nard, Knowlton, Logan, Longshore, Marshall, Mickle, Niblack, Odell, Secrest, Slack, Sleeth, Spann, Teegarden, Turman, Walker, Washburn., and Witherow.

*Those who voted in the negative were,*

Messrs. Dougherty, Dunn, Emerson, and Hatfield.

Mr. Miller asked to be excused from voting.

Which was granted.

Ordered that the Secretary inform the House of the passage of said bill.

House bill No. 92. A bill relative to arbitrations and umpirages, Was read a third time, and passed; ayes 28, noes 7.

*Those who voted in the affirmative were,*

Messrs. Allen, Berry, Crawford, Dawson, Defrees, Eddy, Emerson, Henton, Hickman, Hicks, James, Kendall, Kinnard, Knowlton, Logan, Longshore, Marshall, McCarty, Mickle, Niblack, Odell, Secrest, Slack, Spann, Teegarden, Walker, Winstandley, and Witherow.

*Those who voted in the negative were,*

Messrs. Athon, Cravens Dougherty, Dunn, Hatfield, Miller, and Washburn.

Ordered that the Secretary inform the House of the passage thereof.

On motion by Mr. Kendall,

The Senate adjourned.

2 o'clock, P. M.

The Senate met.

The special order of the day,

Senate bill No. 5. A bill to organize a county court for each county in the State,

Was taken up and read a second time, when

Mr. Emerson moved to amend as follows:

Strike out of the 13th section all after the word "party," in the third line.

On motion by Mr. Reid,

The bill was recommitted to a select committee.

Messrs. Reid, Hicks and Dougherty were appointed said committee.

Mr. Emerson moved to instruct as follows:

Instruct the committee to strike out of the 13th section all after the word "party," in the third line thereof down to the word "counties," in fifth line, and strike out the word "criminal," in the 7th line.

Also, to strike out of the third section all after the word "elected," in the third line.

Which was not agreed to.

House bill No. 110. A bill to change the time of holding the probate court in Dearborn county;

Was read a second time; when,

Mr. Miller moved it be laid on the table.

Which was not agreed to.

The bill was ordered to a third reading.

House bill No. 103. A bill to provide for the speedy redemption of outstanding treasury notes of the State of Indiana;

Was read a second time by its title; when,

On motion by Mr. Mickle,

It was referred to the committee on Finance.

The following message was received from the House of Representatives, by Mr. Sites, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has concurred in the resolution of the Senate to adjourn *sine die* on the second Monday in February next, with the following amendment:

Strike out from the enacting clause and insert:

That from this time henceforth the Senate and House of Representatives will labor industriously at the legitimate business of State legislation, and will waste no more time in discussing the merits of the Mexican war, or any other subject not properly connected with their duties, and so soon as the duties of the Legislature are discharged, we will adjourn, and not sooner.

In which amendment the concurrence of the Senate is respectfully requested.

Mr. Dunn moved to return the message of the House of Representatives to the House.

On motion by Mr. Mickle,

The resolution was laid on the table—ayes 22, noes 19.

The ayes and noes were demanded by Messrs. Goodman and Winstandley.

*Those who voted in the affirmative were,*

Messrs. Allen, Athon, Davis, Dougherty, Eddy, Emerson, Henton, Hicks, Knowlton, Logan, Longshore, McCarty, Mickle, Odell, Saffer, Secrest, Slack, Sleeth, Spann, Turman, Walker, and Washburn.

*Those who voted in the negative were,*

Messrs. Alexander, Cravens, Crawford, Defrees, Dunn, Goodman, Hatfield, Holloway, Hunt, James, Kendall, Kinnard, Marshall, Miller, Niblack, Reid, Teegarden, Winstandley and Witherow.

On motion by Mr. Knowlton,  
The Senate adjourned.

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FRIDAY MORNING, 9 o'clock, }  
January 30, 1852. }

The Senate met.

The journal of yesterday was read.

On motion by Mr. Miller,

Messrs. Cravens and Hatfield were added to the select committee to which was referred Senate bill No. 59.

On motion by Mr. Mickle,

Mr. Hickman was added to the committee on Enrolled Bills, to serve during the absence of Mr. Woods.

Mr. Saffer offered the following resolution :

*Resolved*, That the committee on Corporations be requested to inquire into the expediency of reporting a bill providing to exempt from taxation all stock in railroads, plank roads, turnpikes, and other thoroughfares in this State, while in progress of construction.

Mr. Emerson moved to amend by striking out " the committee on Corporations," and inserting " the committee on Finance ;"  
Which was accepted, and the resolution, as amended, adopted.

#### ORDERS OF THE DAY.

##### *Bills on their third reading.*

House bill No. 110. A bill to change the time of holding the probate court in Dearborn county ;

Was read a third time ; when,  
On motion by Mr. Mickle,  
It was laid on the table.

#### BILLS ON THEIR SECOND READING.

Senate bill No. 66. A bill creating a State Board of Equalization, defining their duties, their compensation, and duties of county auditors under this bill ;

Was read a second time, when,  
On motion by Mr. Niblack,  
It was referred to the committee on Finance.  
A message from the House by Mr. Sites, their Clerk :

#### MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof:  
No. 21, entitled a bill to limit the number of grand jurors, and to point out the mode of their selection, and repealing all laws inconsistent with this act.

In which the concurrence of the Senate is respectfully requested.

The accompanying bill was read a first time and passed to a second reading.

A message from the House of Representatives by Mr. Sites their Clerk.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the Speaker has signed the following enrolled bill thereof, No. 98, also enrolled joint resolution, No. 14, which I am directed to bring to the Senate for the signature of the President thereof.

A message from the House of Representatives by Mr. Sites their Clerk.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the Speaker has signed enrolled joint resolution of the Senate No. 26, which I am directed to bring to the Senate for the signature of the President thereof.

Mr. Turman from the committee on Enrolled Bills submitted the following report:

MR. PRESIDENT:

The Joint committee on Enrolled Bills have this day presented House bill, No. 98, and House joint resolution, No. 14, for approval to the Governor.

A message from the Governor Mr. King, his private Secretary.

MR. PRESIDENT:

I am directed by the Governor to inform the Senate that he has approved and signed the following bills, to-wit:

No. 36. An act for the relief of the purchasers of School lands where no record has been made of the appraisement, as required by any previous law; and the confirmation of titles to lands previously sold, and prescribing the duty of county auditors in relation thereto.

No. 26. A Joint resolution for the purpose of obtaining from the General Government a grant of the unsold lands belonging thereto, in the Vincennes district, for the benefit of Common Schools.

Which bills originated in the Senate.

Mr. Turman, from the joint committee on Enrolled Bills submitted the following report:

MR. PRESIDENT:

The joint committee on Enrolled Bills report, that they this day presented House bill No. 18 to the Governor.

A message from the House of Representatives by Mr. Sites their Clerk.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the Speaker has signed the following enrolled bill of the House: No. 28.

Which I am directed to bring to the Senate for the signature of the President thereof.

Mr. Berry introduced,  
No. 67. A joint resolution directing the publication of the constitution of the State;

Which was read a first time and passed to a second reading.

On motion by Mr. Cravens,  
The Senate adjourned.

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2 o'clock, P. M.

The Senate met.

The special order of the day,  
Senate bill No. 19. A bill prescribing rules for the institution and carrying on of prosecutions for offences against the criminal laws, and modifying the grand jury system as permitted by the Constitution;

Was taken up, when

Mr. Saffer moved a call of the Senate;

Which was ordered.

The Secretary proceeded with the call, when,

On motion by Mr. Knowlton,

The further call was suspended.

On motion by Mr. Saffer,

The call was renewed.

On motion by Mr. Niblack,

A further call was suspended.

The question then being, will the Senate recommit bill No. 19 to a select committee, with instructions to report the general law in force at the adoption of the present constitution?

After much debate,

On motion by Mr. Emerson,

The Senate adjourned.

SATURDAY MORNING, }  
January 31, 1852. }

The Senate met.

The President, Hon. James H. Lane, being absent,

On motion by Mr. Cravens,

Mr. Saffer was called to the chair.

The Journal of yesterday was read.

Mr. Niblack offered the following resolution:

**WHEREAS**, It has been represented to this General Assembly that Elihu Stout, Esq., of Vincennes, Indiana, has in his possession thirty-eight bound volumes of the "Western Sun and General Advertiser," the oldest paper published within the Territory now comprising the State of Indiana, and that he is willing to dispose of the same for the sum of five hundred dollars, upon condition that they shall be placed and kept in the State Library; *And whereas*, it is believed that said volumes are and will be, in all time to come, valuable to the people of this State, as a matter of history; **Therefore**,

*Resolved*, That the committee on the State Library be instructed to inquire into the expediency of purchasing said volumes for the use of said Library, and to report by bill or otherwise.

Mr. Reid offered the following resolution:

*Resolved*, That the Door-Keeper be instructed to lay on the table



of the Law Commissioners, for their use, a copy of each bill ordered to be printed by the Senate.

Which was adopted.

#### BILLS INTRODUCED.

By Mr. Dunn:

No. 68. A joint resolution on the subject of the slave trade, and for the purpose of colonization;

Which was read a first time and passed to a second reading.

By Mr. Crawford:

Joint Resolution No. 69. Joint resolution on the subject of emigration to Oregon and the Pacific coast;

Which was read a first time, and passed to a second reading.

#### ORDERS OF THE DAY.

##### *Bills on their Second Reading.*

Senate Joint Resolution No. 67. A joint resolution directing the publication of the Constitution of this State;

Was read a second time, and ordered to be engrossed for a third reading.

House bill No. 21. A bill to limit the number of grand jurors, and to point out the mode of their selection, and to repeal all laws inconsistent with this act;

Was read a second time.

When,

On motion by Mr. Mickle,

It was referred to the committee on Practice and Pleadings of courts of justice, and criminal law of the State.

The consideration of the question pending at the adjournment on yesterday being "Will the Senate recommit Senate bill No. 19. A bill prescribing rules for the institution and carrying on of prosecutions for offences against the criminal laws, and modifying the grand jury system, as permitted by the Constitution, with instructions,"

Was resumed.

A division of the question being called for, and the President having decided the question divisible, the first question was,

"Will the Senate recommit the bill?"

It was decided in the affirmative. Ayes 26; noes 12.

The ayes and noes were demanded by Messrs. Dunn and Athon.

Those who voted in the affirmative were,

Messrs. Alexander, Allen, Athon, Cravens, Crawford, Dawson, Defrees, Delevan, Dougherty, Dunn, Emerson, Hanna, Holloway, James, Kendall, Logan, McCarty, Niblack, Odell, Reid, Secrest, Teegarden, Walker, Winstanley, and Witherow.

Those who voted in the negative were,

Messrs. Berry, Goodman, Hatfield, Hickman, Hunt, Kinnard, Knowlton, Miller, Saffer, Slack, Sleeth, and Washburn.

The next question "will the Senate adopt the proposed instructions?"

Was decided in the affirmative—ayes 22, noes 19.

The ayes and noes were demanded by Messrs. Athon and Emerson.

Those who voted in the affirmative were,

Messrs. Alexander, Allen, Athon, Cravens, Crawford, Dawson, Dougherty, Dunn, Eddy, Henton, Holloway, James, Kendall, Logan, McCarty, Niblack, Odell, Saffer, Secrest, Teegarden, Winstanley and Witherow.

Those who voted in the negative were,

Messrs. Berry, Defrees, Delevan, Emerson, Goodman, Hanna, Hatfield, Hickman, Hunt, Kinnard, Knowlton, Miller, Reid, Slack, Sleeth, Walker and Washburn.

Message from the House of Representatives by Mr. Sites their Clerk.

**MR. PRESIDENT:**

I am directed by the House of Representatives to inform the Senate that the House have concurred in the first and second Engrossed amendments of the Senate to Engrossed bill of the House No. 17. Entitled, "an act to provide for the appointment of a Reporter, and the speedy publication of the decisions of the Supreme court." Also they have concurred in the Engrossed amendment of the title thereof, but refuse to concur in the third Engrossed amendment thereof.

Mr. Slack moved that the Senate recede from their third amendment to House bill No. 17.

Which was decided in the negative.

Mr. Dunn moved that the Senate insist, and that a committee of free conference be appointed.

Which was agreed to, and

Messrs. Dunn and Allen were appointed said committee on the part of the Senate.

Ordered that the Secretary inform the House of Representatives thereof.

Also, the following message was received from the House of Representatives, by Mr. Sites, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed engrossed bill of the Senate No. 63, entitled an act authorizing the issuing of executions and fee bills in the Supreme Court in cases upon which no execution or fee bill has issued for three years from the rendition of judgment and where fees have not been collected for three or more years from the termination of the suit, in which the same is taxed;

With twelve engrossed amendments, in which the concurrence of the Senate is respectfully requested.

On motion by Mr. Dunn,

The accompanying bill and pending amendments of the House of Representatives, were laid on the table.

Mr. Athon offered the following resolution:

*Resolved*, That when the Senate adjourns, it will adjourn to meet at 9 o'clock, A. M. on Monday next.

Which was adopted.

Also, the following message was received from the House of Representatives, by Mr. Sites, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bills thereof:

No. 89. Entitled "A bill in relation to the officers and soldiers of Indiana, who served in the war of 1811, 1812 and 1813, and in the war with Mexico."

Also,

No. 112. Entitled "An act to authorize the formation of companies for the detection and apprehension of horse thieves and other felons, and defining their powers."

In which the concurrence of the Senate is respectfully requested.

The accompanying bills were read a first time and passed to a second reading.

The following message was received from the House of Representatives, by Mr. Sites, their Clerk:

**MR. PRESIDENT:**

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof:

No. 115. Entitled "A bill to exempt property from sale in certain cases."

In which the concurrence of the Senate is respectfully requested.

The accompanying bill was read a first time and passed to a second reading.

Also, the following message was received from the House of Representatives, by Mr. Sites, their Clerk:

**MR. PRESIDENT:**

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bills thereof:

No. 64. Entitled "A bill to establish public libraries."

Also,

No. 91. Entitled "A bill to repeal an act entitled an act to create a school district in Marshall county," approved February 13, 1851.

In which the concurrence of the Senate is respectfully requested.

The accompanying bills were each read a first time and passed to a second reading.

Also, the following message was received from the House of Representatives, by Mr. Sites, their Clerk.

**MR. PRESIDENT:**

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof:

No. 3. A bill to regulate the mode of proceeding against canal companies for failing to construct, build, rebuild, repair or supply bridges at such places across such canal as said canal crosses any State or county road, or street of a town.

In which the concurrence of the Senate is respectfully requested.

The accompanying bill was read a first time and passed to a second reading.

Also, the following message:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed engrossed bill of the House, No. 68. Entitled "An act for the encouragement of agriculture." Also, bill of the House, No. 120. Entitled "An act for the protection of sheep. In which the concurrence of the Senate is respectfully requested.

The accompanying bills were each read a first time and passed to a second reading.

On motion by Mr. James,  
The Senate adjourned.

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MONDAY MORNING, }  
February 2, 1852. }

The Senate met.

The President being absent,  
On motion by Mr. Emerson,  
Mr. Dougherty was called to the chair.

The Journal of Saturday was read.

PETITIONS, MEMORIALS AND REMONSTRANCES PRESENTED.

By Mr. Teegarden:  
The memorial of citizens of Laporte county, on the subject of temperance;  
Which,  
On his motion,  
Were referred to the committee on that subject.  
By Mr. Holloway:

The petitions of citizens of the State of Indiana, praying the repeal of all laws licensing the traffic in intoxicating liquors, &c.;

Which,

On his motion,

Were referred to the committee on Temperance.

By Mr. Hester:

The petition of citizens of Bloomington township in Monroe county in reference to the corporate powers of the town of Bloomington;

Which,

On his motion,

Was referred to the committee on Corporations.

#### REPORTS SUBMITTED.

By Mr. Berry, from the committee on Federal Relations:

MR. PRESIDENT:

The committee on Federal Relations, to whom was referred the resolution of the Senate instructing it "to report a bill providing for the colonization of all persons of color now residing in this State, or may hereafter acquire such residence, and shall be willing to accept the benefits of such provisions," have had that subject under consideration, and report the following bill for the action of the Senate.

The accompanying bill, No. 70,

A bill providing for the colonization of negroes and mulattoes, and their descendants, constituting a State Board of Colonization, declaring the duties of said Board, and State Treasurer and county treasurer thereto;

Was read a first time and passed to a second reading.

By Mr. Saffer, from a select committee:

MR. PRESIDENT:

The select committee to whom was referred bill of the Senate No. 59—entitled "an act authorizing the board doing county business to declare water courses navigable"—have had that subject under consideration, and a majority of them have instructed me to report the same back to the Senate with one amendment, which when adopted they recommend its passage.

Amend as follows:

Strike out the word "one" in the 7th line of section 3, and insert in lieu thereof the word "two."  
Which was concurred in.

Mr. Berry offered the following amendment :

Amend line eight by inserting between the words "county" and "through," the words, "residing in the vicinity."  
Which was adopted.

Mr. Dawson moved to amend the bill as follows :

Insert after the word "freeholders," in the 8th line of the 1st section, the words, "of any road district."

Mr. Miller moved to lay the amendment on the table.  
Which was decided in the affirmative.  
Mr. Emerson moved to amend as follows :

Strike out the words "some suitable person," and insert the words "three respectable freeholders residing in the vicinity of any such stream."  
Which was not adopted.

Mr. Secrest moved the following amendment :

Insert before the word "working," in the 6th line of the 4th section, the words, "laying out and."  
Which was adopted.

Mr. Dunn moved to amend by adding the words "in all other respects."  
Which motion prevailed.

The bill as amended was then ordered to be engrossed for a third reading.

Mr. Niblack offered the following resolution :

*Resolved*, That the committee on the Pleadings and Practice of Courts of Justice and on Criminal Law, to whom was referred bill of the House No. 21, in relation to grand juries, be instructed to amend said bill so that grand juries shall consist of not less than seven and of not more than nine persons, and that six of that number agreeing thereto, shall be necessary to find a bill of indictment; and, also, so to amend the same that said grand juries shall take cognizance of all misdemeanors now punishable by indictment by the general laws of this State, where the same shall not have been in-

quired, into or prosecuted before some other competent tribunal within six months after the commission thereof. Which was not adopted.

The following letter from Major John S. Simonson was read, and

On motion by Mr. Athon,

Was ordered to be spread upon the Journal.

JEFFERSONVILLE, IND., }

January 28, 1852. }

DEAR SIR—In my telegraphic despatch of yesterday, I stated I would write you on the subject of the Senate resolutions in relation to the articles presented by me to the State Library as curiosities.

I object to the resolutions, because I conceive they treat my donation at least discourteously, by diverting it from its intended purpose.

The history of the articles, so far as I am concerned, is as follows:

During my sojourn in Mexico I was in the habit of purchasing books, paintings, pictures, medals, and other articles deemed by me curious or interesting, and I accumulated a considerable cabinet. By a friend returning to the States, I sent two boxes containing articles thus obtained to my wife, and I wrote to her to take from the boxes an ancient armour, some books, paintings, &c., and send them to my old friend John B. Dillon, to be deposited in the State Library. She made her own selections, and not understanding the Spanish language, may have chosen books inappropriate. My daughter, in a girlish freak, wrote in some or all of them, "Taken from the halls of the Montezumas," and this is the hand-writing charged on myself or clerk, as being done at the city of Mexico.

The friend who was the bearer of the articles to Indianapolis, without consulting myself or family thought proper to make a public presentation in my name, to the Legislature of the State for the purpose of being deposited in the State Library as curiosities. The donation, as I understood, was accepted, and the deposit ordered accordingly. I had no wish to create notoriety in the matter, and, had I been consulted, would have adhered to the presentation through Mr. Dillon.

On the arrival of Quitman's division at the main plaza, in the city of Mexico, on the 14th of September, 1847, it was ascertained that a great number of Mexicans (supposed 500) were plundering the National Palace, and Col. Watson, of the marine corps, was ordered to drive them out, which was done at the point of the bayonet. My own regiment was engaged in repulsing attacks from the streets and house-tops until night, and bivouacked in the Palace after dark. The armour was taken from the palace, and was one of about two



hundred suits deposited there. These armours may have been in Mexico since the days of Cortez—they unquestionably belong to a former age; and, as I understood, had been used on gala days, under the Spanish government. I do not know if they were ever used under the Mexican authority. I thought them curious, and only valuable for their antiquity; and as many of my brother officers were sending suits of this armour to their friends, and the States from whence they hailed, I supposed a similar present to the library of the State of my adoption, and where I had spent thirty years of my life, would be acceptable, perhaps gratifying.

The charge that any of the articles were taken out of the cathedrals or churches, by myself or through my agency or encouragement, is wholly untrue. As above stated, the books, paintings, pictures, medals, charms, &c. (for I brought away and sent home several medals of my Lady of Guadalupe, and my Lady of Los Remedios,) were purchased by me from Mexicans, and paid for with my own money. The persons from whom they were bought were Roman Catholics, and it can scarcely be believed that these persons would desecrate and plunder their own cathedrals or churches. Those knowing the Mexican character, and aware of the veneration and reverence Mexicans feel for their religion and its ordinances, cannot believe it! I am not aware that I committed any offence against religion or morals, in their purchase or disposition.

Perhaps I may be singular in my desire for obtaining Roman Catholic theological books. During the last fall and summer I purchased, at a second-hand book store in St. Louis, a Roman Catholic version of the Bible, a Prayer book, and other theological books, in the English language. I also purchased, at the Catholic book store, a number of copies of Father De Smit's "Oregon and the Rocky Mountains," and distributed them among my friends. This singularity, I hope, is not criminal, and trust that this Bible, Prayer book, &c., will not make me amenable to the charge of stealing them from the cathedrals or churches of St. Louis. Among my friends I am proud to count a number of Priests, and citizens of the Roman Catholic church, men whom I esteem for their talents and tastes; and knowing their worth, and appreciating their friendship, were I to donate the articles now in the State Library to individuals, I should certainly give those men the preference. Not having the honor of a personal acquaintance with the Reverend gentleman and Catholic citizens of Indianapolis, and not doubting their worth or respectability, I cannot conceive that I would do them any wrong or injustice by preferring those whom I know and esteem for their personal relations to myself. I therefore most solemnly protest against the disposition of this donation made by the resolution of the Senate. I protest against diverting the articles from the object for which they were accepted. I protest against the disposition made by the resolutions, whatever may have been the motives of their introduction, or whatever the language in which they may be couched. They contain an implication against

myself which no verbal explanation can remove, and which the next generation must consider palpable. I claim the right, in case the State authorities wish their removal from the State Library, to dispose of them as I deem most appropriate.

Respectfully, your friend, &c.,

JOHN S. SIMONSON.

HON. T. WARE GIBSON.

Message from the House of Representatives, by Mr. Sites, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House refused to recede from their disagreement to the 3d engrossed amendment of the Senate to the House bill No. 17, entitled, "An act to provide for the appointment of a Reporter, and the speedy publication of the decisions of the supreme court;"

And that Messrs. Holman and Gibson have been appointed a committee of Free Conference on the part of the House, to act with a similar committee heretofore appointed on the part of the Senate.

#### ORDERS OF THE DAY.

#### *Bills on their Third Reading.*

Senate Joint Resolution No. 67. A joint resolution directing the publication of the Constitution of the State;

Was read a third time and passed. Ayes, 38; noes 2.

*Those who voted in the affirmative were,*

Messrs. Alexander, Allen, Athon, Berry, Cravens, Crawford, Davis, Dawson, Defrees, Delevan, Dougherty, Dunn, Eddy, Emerson, Goodman, Hester, Henton, Hickman, Holloway, James, Kendall, Kinnard, Knowlton, Logan. McCarty, Miller, Niblack, Odell, Reid, Saffer, Secrest, Slack, Sleeth, Teegarden, Turman, Walker, Washburn, and Witherow.

*Those who voted in the negative were,*

Messrs. Hanna and Winstandley.

On motion by Mr. Niblack,  
The Senate adjourned.

2 o'clock, P. M.

The Senate met.

The special order of the day, Senate bill No. 18, A bill exempting five hundred dollars' worth of real estate from execution,

Was taken up;

When,

On motion by Mr. James,

A call of the Senate was ordered.

The Secretary proceeded with the call, when

Mr. Miller asked leave of absence for Mr. Hatfield, on account of sickness in his family;

Which was granted.

On motion,

The absentees were sent for.

On motion by Mr. Slack,

Leave of absence was granted to Mr. Mickle, on account of sickness.

On motion of Mr. Saffer,

The call was suspended.

The question being on the engrossment of the bill,

Mr. Cravens moved to recommit the bill to the committee on the Judiciary, with the following instructions:

Recommit to the committee on the Judiciary, with instructions to report a bill containing the following provisions:

That every debtor shall have exempt from sale under execution, property to the amount of one hundred and fifty dollars, either personal or real, as he or she may elect: *Provided*, That the creditor in all cases, is worth more than one hundred and fifty dollars; if the creditor is worth less than one hundred and fifty dollars, the debtor in such case shall not be entitled to the benefit of such exemption; and also provide for the carrying into effect of these provisions on the fourth of July, 1852.

A division of the question being called for and the President having decided the question divisible,

The first question was on recommitting,

And was decided in the negative—ayes 18, noes 23.

The ayes and noes were demanded by Messrs. Cravens and Alexander.

*Those who voted in the affirmative were,*

Messrs. Alexander, Allen, Athon, Cravens, Defrees, Delevan, Dunn, Henton, Hunt, James, Knowlton, Logan, Marshall, Miller, Niblack, Saffer, Washburn, and Witherow.

*Those who voted in the negative were,*

Messrs. Berry, Crawford, Dawson, Dougherty, Eddy, Emerson, Goodman, Hanna, Hester, Hickman, Kendall, Kinnard, McCarty Odell, Reid, Secrest, Slack, Sleeth, Spann, Teegarden, Turman, Walker, and Winstandley.

Mr. Defrees moved to amend the bill as follows:

Strike out the word "five" in the fourteenth line of the first section and insert "two hundred and fifty."

Also, strike out "five" in the third line of the fifth section, and insert "two hundred and fifty."

Mr. Spann moved to amend the amendment as follows:

By striking out "two hundred and fifty" and inserting in lieu thereof "three hundred."

A division of the question being called for, and the President having decided the question divisible,

The first question was on striking out, and

Was decided in the negative—ayes 11, noes 33.

The ayes and noes were demanded by Messrs. Dunn and Athon.

*Those who voted in the affirmative were,*

Messrs. Davis, Defrees, Dunn, Goodman, Hanna, James, Knowlton, Longshore, McCarty, Saffer, and Washburn.

*Those who voted in the negative were,*

Messrs. Alexander, Allen, Athon, Berry, Cravens, Crawford, Dawson, Delevan, Dougherty, Eddy, Emerson, Henton, Hester, Hickman, Holloway, Hunt, Kendall, Kinnard, Logan, Marshall, Miller, Niblack, Odell, Reid, Secrest, Slack, Sleeth, Spann, Teegarden, Turman, Walker, Winstandley, and Witherow.

Mr. Cravens moved the following amendment:

Amend the fifth line by striking out the word "two," and inserting "three" in lieu thereof.

Which was not adopted.

Mr. Berry moved the following amendment:

Add:

**SEC. 14.** No person shall be entitled to the benefits of this act until they shall, under oath, have filed with the clerk of the circuit court a schedule of all their real and personal property, in which they shall set forth all debts due them.

Which was not adopted.

Mr. Cravens moved the following amendment:

Amend by striking out of the first and second lines the words "that in addition to the property now exempt by law from sale under execution."

Mr. Emerson moved to amend the amendment by striking out the word "that."

Which was adopted.

The question being on the adoption of the amendment as amended, It was decided in the affirmative, ayes, 27, noes, 15.

The ayes and noes were demanded by Messrs. Berry and Cravens.

*Those who voted in the affirmative were,*

Messrs. Alexander, Allen, Athon, Berry, Cravens, Crawford, Davis, Delevan, Dougherty, Dunn, Goodman, Hanna, Henton, Holloway, Hunt, James, Logan, Longshore, Marshall, McCarty, Miller, Niblack, Saffer, Secrest, Spann, Washburn, and Witherow.

*Those who voted in the negative were,*

Messrs. Dawson, Defrees, Eddy, Emerson, Hester, Hickman, Kendall, Kinnard, Odell, Reid, Slack, Teegarden, Turman, Walker, and Winstandley.

Mr. Slack moved to amend as follows:

Amend by striking out from the word "two," in the 5th line of the first section, to the word "then," in the 13th line of said first section, and insert the following:

Any real estate owned by the debtor, being a householder, and having a family, to the value of five hundred dollars, and in case the real estate owned by such debtor, is not worth in value the sum of five hundred dollars, then such debtor may select and retain exempt from levy and sale under any process or order as aforesaid, a sufficient amount of personal property, which, together with said real estate, shall amount in value to the sum of five hundred dollars, and in case the debtor is not the owner of any real estate.

Strike out the words "lot of ground and the buildings thereon," in the 15th line of the first section, and insert the word "property."

In the 17th line, strike out the word "homestead," and insert the word "property," in lieu thereof.

Which was not agreed to.

Mr. McCarty moved the following amendment:

Nothing herein contained shall exempt said property from liability for funeral expenses, nor for necessities furnished in case of sickness of any member of the family, whose property is otherwise thus exempt.

Which was not adopted.

Mr. Emerson moved to amend as follows:

Strike out all after the word "two," in the fifth line, in the first section, to and including the word "sale," in the 14th line of said section.

Which was decided in the negative; ayes 19, noes 24.

The ayes and noes were demanded by Messrs. Slack and Secrest.

*Those who voted in the affirmative were,*

Messrs. Berry, Delevan, Dougherty, Emerson, Goodman, Hanna, Henton, Hester, Hunt, Longshore, McCarty, Niblack, Odell, Secrest, Slack, Spann, Washburn, Winstandley and Witherow.

*Those who voted in the negative were,*

Messrs. Alexander, Allen, Athon, Cravens, Crawford, Davis, Dawson, Defrees, Dunn, Eddy, Hickman, Holloway, James, Kendall, Kinnard, Knowlton, Logan, Marshall, Miller, Reid, Saffer, Tee-garden, Turman, and Walker.

On motion by Mr. Secrest,  
The Senate adjourned.

TUESDAY MORNING, }  
February 3, 1852. }

The Senate met.

The Journal of yesterday was read.

PETITIONS, MEMORIALS AND REMONSTRANCES PRESENTED.

By Mr. Davis:

Petitions and remonstrances from the citizens of Vermillion county, in relation to the Clinton Draw Bridge Company;

Which,

On motion of Mr. Emerson,

Were referred to the committee on Corporations.

Message from the House of Representatives, by Mr. Sites, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the Speaker has signed the following enrolled bill of the House, No. 92, which I am directed to bring to the Senate for the signature of the President thereof.

REPORTS SUBMITTED.

By Mr. Emerson, from the committee on the Practice and Pleadings of Courts of Justice, and Criminal Laws of the State:

MR. PRESIDENT:

The committee on the Practice and Pleadings of Courts of Justice and Criminal Law, to whom was referred House bill No. 21—entitled “a bill to limit the number of grand jurors and to point out the mode of their selection, and repealing all laws inconsistent with this act”—have had the same under consideration, and proposed sundry amendments thereto, in which amendments they ask the concurrence of the Senate; and when said amendments are concur-

red in a majority of said committee recommend the passage of said bill:

Amendments to House bill No. 21—

1st. In the 4th line of the 1st section strike out the word "six" and insert in lieu thereof the words "not more than eighteen nor less than fifteen."

2d. In the 4th line of the 2d section, strike out the word "thirty," and insert the word "sixty."

3d. In the 3d line of the 4th section strike out the word "six," and insert the word "eighteen."

4th. Strike out the 13th and 14th sections of said bill.

5th. In the 1st line of the 15th section strike out the word "five," and insert the words "not less than twelve."

6th. Add the following section:

SEC. —. All local or special laws or parts of laws heretofore enacted relative to the mode of selecting, summoning and empanneling grand juries be, and the same are hereby repealed.

Mr. Emerson moved to amend the amendments of the committee by striking out the words "not less than twelve," and inserting the words "all the."

After a lengthy discussion,

On motion by Mr. Emerson,

The Senate adjourned.

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2 o'clock, P. M.

The Senate met.

The special order of the day, House bill No. 83, a bill to divide the State into Congressional districts, was taken up.

Mr. Cravens moved a call of the Senate;

Which was ordered.

On motion,

The absentees were sent for.

Mr. Saffer moved to suspend the call.

Which was not agreed to.

On motion by Mr. Emerson,

Leave of absence was granted to Mr. Hicks.

Mr. Knowlton moved to suspend a further call.

Which was not agreed to.

On motion by Mr. Emerson,

A further call was suspended.



The question being on recommitting with instructions.

Mr. Athon withdrew his motion to recommit with instructions.

Mr. Goodman moved the previous question.

The question on seconding the call for the previous question,  
Was decided in the negative—ayes 15, noes 30.

The ayes and noes were demanded by Messrs. Slack and Goodman.

*Those who voted in the affirmative were,*

Messrs. Brugh, Dawson, Delevan, Goodman, Holloway, Hunt, Kinnard, Knowlton, Miller, Milliken, Odell, Sleeth, Walker, Washburn and Winstandley.

*Those who voted in the negative were,*

Messrs. Alexander, Allen, Athon, Berry, Cravens, Crawford, Davis, Defrees, Dougherty, Dunn, Eddy, Emerson, Hanna, Henton, Hester, Hickman, James, Kendall, Logan, McCarty, Mickle, Niblack, Reid, Saffer, Secrest, Slack, Spann, Teegarden, Turman and Witherow.

The question then being on the amendment of Mr. Mickle,  
Mr. Slack moved to amend the amendment as follows:

Amend by striking Huntington and Wells counties off the 11th district and attaching them to the 10th district.

Mr. Dawson moved to lay the amendment on the table.

Which was decided in the affirmative—ayes 28, noes 16.

The ayes and noes were demanded by Messrs. Mickle and Slack.

*Those who voted in the affirmative were,*

Messrs. Berry, Brugh, Cravens, Davis, Dawson, Defrees, Delevan, Dougherty, Dunn, Goodman, Henton, Holloway, Hunt, James, Kendall, Kinnard, Knowlton, Logan, McCarty, Milliken, Reid, Saffer, Secrest, Sleeth, Walker, Washburn, Winstandley, and Witherow.

*Those who voted in the negative were,*

Messrs. Alexander, Allen, Athon, Crawford, Eddy, Emerson, Hanna, Hester, Hickman, Mickle, Miller, Niblack, Odell, Slack, Spann, and Teegarden.

Mr. Cravens moved to amend as follows:

Amend by striking Monroe from the third and adding it to the seventh district.

Mr. Davis moved to lay the amendment on the table.

Which was decided in the affirmative; ayes 23, noes 11.

The ayes and noes were demanded by Messrs. Slack and Dunn.

*Those who voted in the affirmative were,*

Messrs. Allen, Athon, Berry, Brugh, Crawford, Davis, Dawson, Defrees, Delevan, Dougherty, Dunn, Goodman, Henton, Hickman, Holloway, Hunt, James, Kendall, Kinnard, Knowlton, Logan, McCarty, Milliken, Odell, Reid, Saffer, Secrest, Slack, Sleeth, Walker, Washburn, Winsteadley and Witherow.

*Those who voted in the negative were,*

Messrs. Alexander, Cravens, Eddy, Emerson, Hanna, Hester, Mickle, Miller, Niblack, Spann, and Teegarden.

Mr. Mickle asked leave to withdraw his amendment;

Which was granted.

Mr. Athon moved to amend as follows:

Amend by striking out all after the third section and insert the following:

The counties of Posey, Vanderburgh, Warrick, Spencer, Dubois, Pike, Gibson, Knox, and Daviess shall constitute the first district.

The counties of Martin, Lawrence, Orange, Washington, Crawford, Perry, Harrison, and Floyd shall constitute the second district.

The counties of Clark, Scott, Jackson, Brown, Bartholomew, Jennings, and Jefferson shall constitute the third district.

The counties of Ohio, Ripley, Dearborn, Franklin, Decatur, Switzerland, and Rush shall constitute the fourth district.

The counties of Union, Fayette, Wayne, Henry, Delaware, and Randolph shall constitute the fifth district.

The counties of Hancock, Marion, Hendricks, Morgan, Johnson, and Shelby, shall constitute the sixth district.

The counties of Vermillion, Parke, Putnam, Vigo, Clay, Owen, Monroe, Greene and Sullivan, shall constitute the seventh district.

The counties of Warren, Fountain, Montgomery, Boone, Clinton, Carroll and Tippecanoe, shall constitute the eighth district.

The counties of Hamilton, Madison, Tipton, Howard, Cass, Miami, Wabash, Grant and Blackford, shall constitute the ninth district.

The counties of Jay, Adams, Wells, Huntington, Whitley, Allen, De Kalb, Noble, Lagrange and Steuben, shall constitute the tenth district.

The counties of Elkhart, Kosciusko, Fulton, Marshall, St. Joseph, Laporte, Starke, Pulaski, White, Benton, Jasper, Porter and Lake, shall constitute the eleventh district.

SEC. —. This act to take effect and be in force from and after its passage and publication.

Mr. Hunt moved to lay the amendment on the table;

Which was decided in the affirmative. Ayes 25; noes 21.

The ayes and noes were demanded by Messrs. Hunt and Goodman.

*Those who voted in the affirmative were,*

Messrs. Allen, Brugh, Cravens, Davis, Dawson, Delevan, Dougherty, Goodman, Henton, Holloway, Hunt, Kinnard, Knowlton, Logan, Longshore, Milliken, Odell, Reid, Saffer, Secrest, Sleeth, Walker, Washburn, Winstandley, and Witherow.

*Those who voted in the negative were,*

Messrs. Alexander, Athon, Berry, Crawford, Defrees, Dunn, Eddy, Emerson, Hanna, Hester, Hickman, James, Kendall, McCarty, Mickel, Miller, Niblack, Slack, Spann, Teegarden, and Turman.

Mr. Emerson moved to amend as follows:

Detach the county of Switzerland from the 3d, and attach it to the 4th district.

Mr. Knowlton moved to lay the amendment on the table;

Which was decided in the affirmative. Ayes 27; noes 19.

The ayes and noes were demanded by Messrs. Knowlton and Milliken.

*Those who voted in the affirmative were,*

Messrs. Allen, Brugh, Cravens, Davis, Dawson, Delevan, Dougherty, Dunn, Goodman, Henton, Holloway, Hunt, Kendall, Knowlton, Logan, Longshore, McCarty, Milliken, Odell, Reid, Saffer, Secrest, Sleeth, Walker, Washburn, Winstandley, and Witherow.

*Those who voted in the negative were,*

Messrs. Alexander, Athon, Berry, Crawford, Defrees, Eddy, Em-

erson, Hanna, Hester, Hickman, James, Kinnard, Mickle, Miller, Niblack, Slack, Spann, Teegarden, and Turman.

Mr. Hester moved the following amendment:

Strike Monroe from the 3d, and add it to the 6th district.

Mr. McCarty moved the following amendment to the amendment:

Strike out of the 6th district the counties of Shelby and Johnson, and insert in their stead the counties of Hamilton and Madison.

Mr. Brugh moved to lay the amendment and the amendment to the amendment on the table.

A division of the question was called for, and the President having decided the question divisible, the first question, on laying the amendment to the amendment on the table,

Was decided in the affirmative.

The second question, on laying the amendment on the table,  
Was decided in the affirmative—ayes 26, noes 20.

The ayes and noes were demanded by Messrs. Hester and Washburn.

*Those who voted in the affirmative were,*

Messrs. Allen, Brugh, Davis, Dawson, Defrees, Dunn, Goodman, Henton, Holloway, Hunt, James, Kendall, Kinnard, Knowlton, Logan, Longshore, McCarty, Milliken, Odell, Saffer, Secrest, Sleeth, Walker, Washburn, Winsteadley, and Witherow.

*Those who voted in the negative were,*

Messrs. Alexander, Athon, Berry, Cravens, Crawford, Delevan, Dougherty, Eddy, Emerson, Hanna, Hester, Hickman, Mickle, Miller, Niblack, Reid, Slack, Spann, Teegarden, and Turman.

Mr. Berry moved to amend as follows:

Strike Adams from the 11th district and attach it to the 10th, and strike Switzerland from the 3d district, and attach it to the 4th.

Mr. Knowlton moved to lay the amendment on the table;

Which was decided in the affirmative—ayes 24, noes 22.

The ayes and noes were demanded by Messrs. Berry and Mickle.

*Those who voted in the affirmative were,*

Messrs. Allen, Brugh, Cravens, Davis, Dawson, Delevan, Dunn, Henton, Holloway, Hunt, Kendall, Knowlton, Logan, McCarty, Miller, Milliken, Odell, Saffer, Secrest, Sleeth, Walker, Washburn, Winstandley, and Witherow.

*Those who voted in the negative were,*

Messrs. Alexander, Athon, Berry, Crawford, Defrees, Dougherty, Eddy, Emerson, Goodman, Hanna, Hester, Hickman, James, Kinnard, Longshore, Mickle, Niblack, Reid, Slack, Spann, Teegarden, and Turman.

Mr. Mickle moved the following amendment:

Attach Adams county to the 10th district.

Mr. Hunt moved to lay the amendment on the table;  
Which was decided in the affirmative—ayes 28, noes 18.

The ayes and noes were demanded by Messrs. Mickle and Eddy.

*Those who voted in the affirmative were,*

Messrs. Allen, Brugh, Cravens, Davis, Dawson, Delevan, Dunn, Goodman, Henton, Holloway, Hunt, Kendall, Kinnard, Knowlton, Logan, Longshore, McCarty, Miller, Milliken, Odell, Reid, Saffer, Secrest, Sleeth, Walker, Washburn, Winstandley, and Witherow.

*Those who voted in the negative were,*

Messrs. Alexander, Athon, Berry, Crawford, Defrees, Dougherty, Eddy, Emerson, Hanna, Hester, Hickman, James, Mickle, Niblack, Slack, Spann, Teegarden, and Turman.

Mr. Slack moved to amend as follows:

Amend by striking Wabash county off the 11th district, and attaching it to the 10th district.

Mr. Hunt moved the previous question;  
Which was not seconded; ayes 23, noes 22.

The ayes and noes were demanded by Messrs. Athon and Emerson.

*Those who voted in the affirmative were,*

Messrs. Allen, Brugh, Crawford, Dawson, Delevan, Dougherty, Goodman, Holloway, Hunt, James, Kendall, Kinnard, Knowlton, Logan, Milliken, Odell, Reid, Saffer, Secrest, Sleeth, Walker, Washburn, and Winstandley.

*Those who voted in the negative were,*

Messrs. Alexander, Athon, Berry, Cravens, Davis, Defrees, Dunn, Eddy, Emerson, Hanna, Henton, Hester, Longshore, McCarty, Mickle, Niblack, Slack, Spann, Teegarden, Turman, and Witherow.

The question then recurring on the amendment,

Mr. Dawson moved it be laid on the table;

Which was decided in the affirmative; ayes 26, noes 18.

The ayes and noes were demanded by Messrs. Slack and Athon.

*Those who voted in the affirmative were,*

Messrs. Brugh, Cravens, Davis, Dawson, Delevan, Dougherty, Dunn, Goodman, Henton, Holloway, Hunt, James, Kinnard, Knowlton, Logan, Longshore, McCarty, Milliken, Odell, Saffer, Secrest, Sleeth, Walker, Washburn, Winstandley, and Witherow.

*Those who voted in the negative were,*

Messrs. Alexander, Athon, Berry, Crawford, Defrees, Eddy, Emerson, Hanna, Hester, Hickman, Kendall, Mickle, Miller, Niblack, Reid, Slack, Spann, and Teegarden.

Mr. Defrees moved the following amendment:

Amend by taking the counties of Elkhart and Kosciusko from the tenth and adding them to the ninth district.

Which was not agreed to.

Mr. Dunn moved to amend as follows:

Attach the counties of Martin and Lawrence to the 2d district, and the counties of Scott and Clark to the 3d district.

Mr. Goodman moved to lay the amendment on the table.

Which was decided in the affirmative—ayes 24, noes 22.

The ayes and noes were demanded by Messrs. Goodman and Hunt.

*Those who voted in the affirmative were,*

Messrs. Allen, Brugh, Cravens, Davis, Dawson, Delevan, Dougherty, Goodman, Henton, Holloway, Hunt, James, Kinnard, Logan, Longshore, Mickle, Milliken, Secrest, Sleeth, Turman, Walker, Washburn, Winstandley and Witherow.

*Those who voted in the negative were,*

Messrs. Alexander, Athon, Berry, Crawford, Defrees, Dunn, Eddy, Emerson, Hanna, Hester, Hickman, Kendall, Knowlton, Marshall, Miller, Niblack, Odell, Reid, Saffer, Slack, Spann, and Teegarden.

Mr. Dunn moved to lay the bill on the table.

Which was decided in the negative; ayes 18, noes 29.

The ayes and noes were demanded by Messrs. Miller and Holloway.

*Those who voted in the affirmative were,*

Messrs. Alexander, Athon, Berry, Defrees, Dunn, Emerson, Hester, James, Kendall, Marshall, McCarty, Mickle, Miller, Niblack, Reid, Slack, Spann, and Witherow.

*Those who voted in the negative were,*

Messrs. Allen, Brugh, Cravens, Crawford, Davis, Dawson, Delevan, Dougherty, Eddy, Goodman, Hanna, Henton, Hickman, Holloway, Hunt, Kinnard, Knowlton, Logan, Longshore, Milliken, Odell, Saffer, Secrest, Sleeth, Teegarden, Turman, Walker, Washburn, and Winstandley.

Mr. Dawson moved the previous question.

Which was seconded—ayes 28, noes 19.

The ayes and noes were demanded by Messrs. Goodman and Hunt.

*Those who voted in the affirmative were,*

Messrs. Allen, Brugh, Cravens, Crawford, Davis, Dawson, Delevan, Dougherty, Dunn, Eddy, Goodman, Henton, Hickman, Holloway, Hunt, James, Kinnard, Knowlton, Logan, Milliken, Odell, Saffer, Secrest, Sleeth, Turman, Walker, Washburn and Winstandley.

*Those who voted in the negative were,*

Messrs. Alexander, Athon, Berry, Defrees, Emerson, Hanna, Hester, Kendall, Longshore, Marshall, McCarty, Mickel, Miller, Niblack, Reid, Slack, Spann, Teegarden, and Witherow.

The question being, shall the main question be now put?

It was decided in the affirmative—ayes 30, noes 17.

The ayes and noes were demanded by Messrs. Slack and Witherow.

*Those who voted in the affirmative were,*

Messrs. Allen, Brugh, Cravens, Crawford, Davis, Dawson, Delevan, Dougherty, Dunn, Eddy, Goodman, Henton, Hickman, Holloway, Hunt, James, Kinnard, Knowlton, Logan, Longshore, Milliken, Odell, Saffer, Secrest, Sleeth, Turman, Walker, Washburn, Winstandley, and Witherow.

*Those who voted in the negative were,*

Messrs. Alexander, Athon, Berry, Defrees, Emerson, Hanna, Hester, Kendall, Marshall, McCarty, Mickel, Miller, Niblack, Reid, Slack, Spann, and Teegarden.

The question being, "Shall the bill be ordered to a third reading?"

It was decided in the affirmative. Ayes 27; noes 20.

The ayes and noes were demanded by Messrs. Slack and Hester.

*Those who voted in the affirmative were,*

Messrs. Allen, Brugh, Cravens, Crawford, Davis, Dawson, Delevan, Dougherty, Eddy, Goodman, Henton, Hickman, Holloway, Hunt, James, Kinnard, Knowlton, Logan, Milliken, Odell, Saffer, Secrest, Sleeth, Turman, Walker, Washburn, and Winstandley.

*Those who voted in the negative were,*

Messrs. Alexander, Athon, Berry, Defrees, Dunn, Emerson, Hanna, Hester, Kendall, Longshore, Marshall, McCarty, Mickel, Miller, Niblack, Reid, Slack, Spann, Teegarden, and Witherow.

On motion by Mr. Athon,

The following communication was ordered to be spread upon the Journal:



At a meeting of the City Council of Jeffersonville, held January 13th, the following preamble and resolutions were adopted:

**WHEREAS**, The obstruction in the navigation of the Ohio river, by the natural dam at the Falls, seriously embarrasses the business and impedes the prosperity of our community, while it interrupts the trade and travel on a great national highway, and the concurrent opinion for nearly half a century of intelligent minds most conversant with the resources and wants of our great valley, and free from private interest, having recommended a canal or similar improvement on the Indiana shore, as the best remedy for this impediment, and the national importance of this work, requiring the aid of Congress, while false charges of private interest and speculation are industriously spread abroad for sinister purposes against the friends and advocates of such an improvement, truly demanded by the great interests of navigation and business of the West: Therefore,

*Resolved, by the Mayor and Council of the City of Jeffersonville, unanimously*, That, sanctioned by the opinion and selection of the intelligent pioneers of the West in 1803, in 1805-6, and again in 1817, added to our own convictions from examination, we urge upon Congress to make an appropriation for the construction of a canal or similar improvement near the Indiana or deepest chute of the Falls of the Ohio river, and on or near the Indiana shore, as the best mode of improving the navigation of the Falls.

*Resolved, unanimously*, That having through our assessors, other officers and by individual examination of the assessment rolls, with other reliable sources of information, knowledge of the ownership of real estate and other property in Jeffersonville and its vicinity, near the Falls, we denounce the charge of private speculation or private interest in such property prompting or producing the movement in Cincinnati in favor of a canal on the Indiana shore, at the Falls of the Ohio, as wholly untrue, and deny that the committee on the subject in Cincinnati or her city authorities own any such property, while tenfold in value of such real estate is owned by citizens of Louisville to the total value of such ownership in Cincinnati or its vicinity.

*Resolved*, That the bill introduced into the House of Representatives, in Congress, by the Hon. David T. Disney, embraces the great objects of a proper improvement of the Falls, free from partiality to either shore, with a favorable regard to the private interest invested in the present canal, and we respectfully urge the passage of the same by Congress.

*Resolved*, That we request the General Assembly of Indiana to renew the recommendations and instruction of the Legislature of this State, in favor of an appropriation by Congress to commence a

canal or similar improvement on the Indiana shore of the Ohio at the Falls.

*Resolved*, That the foregoing proceedings on the subject of the Falls be published, and a copy forwarded to the members of our Legislature from this county, and each of the members of Congress from Indiana.

W. F. COLLUM, Mayor.

A true copy.

Attest: THO. WILSON, Clerk.

On motion by Mr. Teegarden,  
The Senate adjourned.

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WEDNESDAY MORNING, }  
February 4, 1852. }

The Senate met.

The journal of yesterday was read.

#### PETITIONS.

Mr. Walker presented the petition of merchants, boat-owners and forwarders of the town of Logansport, on the subject of a law relative to canal boats, boat-owners, and forwarders;

Which,

On his motion,

Was referred to the committee on the Judiciary.

#### REPORTS SUBMITTED.

By Mr. Eddy, from the committee on Corporations:

MR. PRESIDENT:

The committee on Corporations, to whom were referred sundry

petitions and remonstrances in relation to the "Clinton Draw-Bridge Company," in Vermillion county, have considered the same, and directed me to report them back, and recommend that they be laid upon the table, as they deem legislation inexpedient at this time, and ask to be discharged from the further consideration of the same.

Which was concurred in.

By Mr. Winstandley, from the same committee:

**MR. PRESIDENT:**

The committee on Corporations, to whom was referred Senate bill No. 64, have had the same under consideration, and have made one amendment thereto, and when said amendment is adopted, a majority of said committee recommend the passage of said bill.

Amend by striking out the word "district," in the 11th section.

Mr. Emerson moved to postpone the bill and pending amendments until Friday, the 16th inst., and that it be made the special order of the day for 2 o'clock of that day.

Which motion prevailed.

By Mr. Defrees, of the same committee:

**MR. PRESIDENT:**

The committee on Corporations, to whom was referred Senate bill No. 54, "A bill to provide for the payment of damages done any private property, personal or real, taken and appropriated by any incorporated company chartered by the State of Indiana, within said State," have had the same under advisement, and instructed me to report the bill back, and recommend that it be laid upon the table, it being inexpedient to legislate upon that subject at the present time.

Which was concurred in.

By Mr. Dunn, from a committee on Free Conference:

**MR. PRESIDENT:**

The committee of Free Conference, to whom was referred the matters of disagreement arising out of the amendments of the Senate to bill No. 17 of the House, have had that subject under consideration, and unanimously agree to report the following amendments, the adoption of which they respectfully recommend.

Amend as follows:

Strike out in the 4th line of section 6 of the original bill, the words "two dollars and fifty cents," and insert in lieu thereof the words "three dollars."

Retain the 7th section of the original bill and the amendment of the Senate thereto, with the following amendment thereto, to-wit:

Strike out the word "four," before the word "dollars," and insert in lieu thereof the word "three," and add the following proviso to said section, as amended.

*Provided, however,* That nothing in this act shall be so construed as to prevent any public newspaper of this State from publishing brief extracts of the decisions of the Supreme Court or the Legislature, or Judges of said court from directing the publication of any particular decision thereof, if deemed of public importance.

Which was concurred in.

The consideration of the question pending at the adjournment on yesterday being, will the Senate adopt the amendment to Senate bill No. 21, striking out "not less than twelve," and inserting "all the," was resumed and decided in the negative—ayes 15, noes 26.

The ayes and noes were demanded by Messrs. Emerson and Athon.

*Those who voted in the affirmative were,*

Messrs. Athon Berry, Brugh, Crawford, Emerson, Hester, Hickman, Hunt, Knowlton, Longshore, Mickle, Miller, Slack, Washburn and Winstandley.

*Those who voted in the negative were,*

Messrs. Allen, Cravens, Davis, Dawson, Defrees, Delevan, Dunn, Eddy, Goodman, Hanna, James, Kinnard, Logan, Marshall, McCarty, Milliken, Niblack, Odell, Reid, Saffer, Secrest, Sleeth, Spann, Teegarden, Walker, and Witherow.

Mr. Cravens moved to amend as follows:

Strike out the words "eighteen" and "fifteen," and insert "twelve." And also insert in the proper place "that it shall require eight to find a bill."

Which was not adopted.

Mr. Reid moved to lay the first amendments proposed by the committee on the table.

Which was decided in the negative—ayes 20, noes 24.

The ayes and noes were demanded by Messrs. Goodman and Mickle.

*Those who voted in the affirmative were,*

Messrs. Allen, Berry, Delevan, Eddy, Goodman, Hanna, Hester,

Hickman, Hunt, Kinnard, Knowlton, Longshore, Mickle, Reid, Slack, Sleeth, Spann, Walker, Washburn, and Winsteadley.

*Those who voted in the negative were,*

Messrs. Athon, Brugh, Cravens, Crawford, Davis, Dawson, Defrees, Dougherty, Dunn, Emerson, Henton, Holloway, James, Logan, Marshall, McCarty, Miller, Milliken, Niblack, Odell, Saffer, Secrest, Teegarden, and Witherow.

Mr. Dunn moved the previous question.

Which was not seconded.

Mr. Reid moved to lay the second amendment proposed by the committee on the table.

Which was not agreed to.

Mr. Reid moved to lay the third amendment proposed by the committee on the table.

Which was decided in the negative; ayes 15, noes 29.

The ayes and noes were demanded by Messrs. Mickle and Eddy.

*Those who voted in the affirmative were,*

Messrs. Allen, Berry, Brugh, Davis, Delevan, Goodman, Hunt, Kinnard, Longshore, Milliken, Reid, Slack, Sleeth, Walker, and Winsteadley.

*Those who voted in the negative were,*

Messrs. Athon, Cravens, Crawford, Dawson, Defrees, Dougherty, Dunn, Eddy, Emerson, Hanna, Henton, Hester, Hickman, Holloway, James, Knowlton, Logan, Marshall, McCarty, Mickle, Miller, Niblack, Odell, Saffer, Secrest, Spann, Teegarden, Washburn, and Witherow.

The question then being, will the Senate concur in the amendments proposed by the committee?

A division of the question was called for, and the President having decided the question divisible,

The first question, will the Senate concur in the first amendment?

Was decided in the negative; ayes 20, noes 21.

The ayes and noes were demanded by Messrs. Mickle and Goodman.

*Those who voted in the affirmative were,*

Messrs. Athon, Crawford, Dawson, Defrees, Dougherty, Dunn,

Emerson, Henton, Holloway, James, Knowlton, Logan, Marshall, McCarty, Niblack, Odell, Saffer, Secrest, Teegarden, Washburn, and Witherow.

*Those who voted in the negative were,*

Messrs. Allen, Berry, Brugh, Cravens, Delevan, Eddy, Goodman, Hanna, Hester, Hickman, Hunt, Kinnard, Longshore, Mickle, Miller, Milliken, Reid, Slack, Sleeth, Spann, Walker, and Witherow.

The second question, will the Senate concur in the second amendment proposed by the committee?

Was decided in the affirmative.

The third question being, will the Senate concur in the third amendment propose by the committee? being to strike out "six," and insert "not less than fifteen nor more than eighteen to the number of jurors," a division of the question was called for, and the President having decided the question divisible, the first question, will the Senate strike out "six?"

Was decided in the negative; ayes 20, noes 33.

The ayes and noes were demanded by Messrs. Goodman and Hunt.

*Those who voted in the affirmative were,*

Messrs. Athon, Crawford, Dawson, Defrees, Dougherty, Eddy, Emerson, Henton, Holloway, James, Logan, Marshall, McCarty, Milliken, Odell, Secrest, Teegarden, Washburn, Winstandley, and Witherow.

*Those who voted in the negative were,*

Messrs. Allen, Berry, Brugh, Cravens, Delevan, Dougherty, Goodman, Hanna, Hester, Hickman, Hunt, Kinnard, Knowlton, Longshore, Mickle, Miller, Niblack, Reid, Saffer, Slack, Sleeth, Spann, and Walker.

The question being, will the Senate concur in the fourth proposed amendment?

Mr. Hanna offered the following amendment?

Amend by inserting, at the proper place, the following:

*Provided,* That in all prosecutions for crime or offences, the punishment of which is death or imprisonment in the State prison, such prosecution shall be brought before the grand jury, by information in the nature of a presentment filed with said jury by the Prosecuting

Attorney for the State, or upon the recognizance of a duly authorized court of officers.

Pending which,  
Mr. Eddy offered the following resolution:

*Resolved*, That when the Senate adjourns, it adjourn to meet to-morrow morning at the usual hour.

Which was adopted.

When,

On motion by Mr. Eddy,  
The Senate adjourned.

THURSDAY MORNING, }  
February 5, 1852. }

The Senate met.

The Journal of yesterday was read.

**PETITIONS, MEMORIALS AND REMONSTRANCES PRESENTED.**

By Mr. Slack:

The remonstrance of citizens of Decatur county, in relation to a certain bill restricting the sale of intoxicating liquors;

Which,

On his motion,

Was laid on the table.

By Mr. Slack:

The petition of citizens of the town of Huntington, in the county of Huntington, in relation to roads;

Which,

On his motion,

Was referred to the committee on Roads.

## REPORTS SUBMITTED.

By Mr. Turman, from the joint committee on Enrolled bills:

MR. PRESIDENT:

The joint committee on Enrolled bills this day presented to the Governor House bill No. 42.

By Mr. Turman, from the same committee:

MR. PRESIDENT:

House bill No. 17 was this day presented to Governor Wright, by the joint committee on Enrolled bills.

Message from the House of Representatives, by Mr. Sites, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has concurred in the report of the committee on Free Conference, to whom was referred the disagreement of the two Houses upon the engrossed amendments of the Senate to engrossed bill of the House No. 17, entitled "An act to provide for the appointment of a Reporter, and the speedy publication of the decisions of the supreme court."

Also, the following message was received from the House of Representatives, by Mr. Sites, their Clerk.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has concurred in the engrossed amendments of the Senate to engrossed bill of the House No. 42, entitled "An act authorizing Raid Road Companies to borrow money, and to secure the re-payment thereof by mortgage."

The following message was received from the House of Representatives, by Mr. Sites, their Clerk:



MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the Speaker has signed the following enrolled bill thereof:

No. 42. Which I am directed to bring to the Senate for the signature of the President thereof.

Message from the House, by Mr. Sites, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the Speaker has signed the following enrolled bill thereof:

No. 17. Which I am directed to bring to the Senate for the signature of the President thereof.

The consideration of the question pending at the adjournment on yesterday, being on the adoption of the amendment to the fourth amendment of the committee, prescribing the manner in which information shall be brought before the grand jury, was resumed.

The question being, will the Senate adopt the amendment to the amendment?

It was decided in the negative—ayes 13, noes 30.

The ayes and noes were demanded by Messrs. Emerson and Reid.

*Those who voted in the affirmative were,*

Messrs. Berry, Eddy, Goodman, Hanna, Hester, Hickman, Miller, Reid, Slack, Sleeth, Turman, Washburn, and Winstandley.

*Those who voted in the negative were,*

Messrs. Alexander, Allen, Athon, Brugh, Cravens, Crawford, Dawson, Defrees, Delevan, Dunn, Emerson, Henton, Hicks, Holloway, James, Kendall, Kinnard, Knowlton, Logan, Longshore, Marshall, McCatry, Mickle, Milliken, Niblack, Odell, Secrest, Spann, Walker, and Witherow.

The question then being, will the Senate concur in the fourth amendment of the committee?

It was decided in the affirmative; ayes 25, noes 22.

The ayes and noes were demanded by Messrs. Mickle and Eddy.

*Those who voted in the affirmative were,*

Messrs. Alexander, Cravens, Crawford, Dawson, Defrees, Dougherty, Dunn, Emerson, Henton, Hicks, Holloway, James, Kendall, Kinnard, Logan, Marshall, McCarty, Milliken, Niblack, Odell, Saffer, Secrest, Washburn, Winstandley, and Witherow.

*Those who voted in the negative were,*

Messrs. Allen, Athon, Berry, Brugh, Davis, Delevan, Eddy, Goodman, Hanna, Hester, Hickman, Knowlton, Longshore, Mickle, Miller, Reid, Slack, Sleeth, Spann, Teegarden, Turman, and Walker.

The question then being will the Senate concur in the fifth amendment proposed by the committee?

Mr. Cravens moved to lay the amendment on the table;

Which was decided in the negative—ayes 15, noes 30.

The ayes and noes were demanded by Messrs. Athon and Dunn.

*Those who voted in the affirmative were,*

Messrs. Allen, Berry, Brugh, Cravens, Davis, Delevan, Hicks, Hunt, Longshore, Mickle, Milliken, Reid, Spann, Turman, and Walker.

*Those who voted in the negative were,*

Messrs. Alexander, Athon, Crawford, Dawson, Defrees, Dougherty, Dunn, Eddy, Emerson, Hanna, Henton, Hester, Hickman, Holloway, James, Kendall, Kinnard, Knowlton, Logan, Marshall, McCarty, Niblack, Odell, Saffer, Secrest, Slack, Sleeth, Teegarden, Washburn, and Witherow.

The question then recurring on the adoption of the amendment, It was decided in the affirmative—ayes 31, noes 16.

The ayes and noes were demanded by Messrs. Goodman and Berry.

*Those who voted in the affirmative were,*

Messrs. Alexander, Athon, Brugh, Crawford, Dawson, Defrees, Dougherty, Dunn, Eddy, Emerson, Hanna, Henton, Hester, Hickman, Holloway, James, Kendall, Kinnard, Knowlton, Logan, Marshall, McCarty, Mickle, Niblack, Odell, Saffer, Secrest, Teegarden, Washburn, Winstandley, and Witherow.

*Those who voted in the negative were,*

Messrs. Allen, Berry, Cravens, Davis, Delevan, Goodman, Hicks, Hunt, Longshore, Miller, Milliken, Reid, Slack, Sleeth, Spann, and Walker.

The question being, will the Senate concur in the 6th amendment proposed by the committee?

It was decided in the affirmative.

Mr. Milliken moved to lay the bill and amendments on the table.

Which was decided in the negative—ayes 10, noes 36.

The ayes and noes were demanded by Messrs. Berry and Goodman.

*Those who voted in the affirmative were,*

Messrs. Brugh, Dawson, Defrees, Dougherty, Eddy, Emerson, Hicks, Hunt, Knowlton, Milliken, and Secrest.

*Those who voted in the negative were,*

Messrs. Alexander, Allen, Athon, Berry, Cravens, Crawford, Delevan, Dunn, Goodman, Hanna, Henton, Hester, Hickman, Holloway, James, Kendall, Kinnard, Logan, Longshore, Marshall, McCarty, Mickle, Miller, Niblack, Odell, Reid, Saffer, Slack, Sleeth, Spann, Tee-garden, Turman, Walker, Washburn, Winstandley, and Witherow.

Mr. Defrees moved the following amendment:

SEC. —. That when any witness shall voluntarily come before a grand jury to testify, and an indictment shall be found upon such testimony, such fact shall be entered upon said indictment, and if upon the trial before the court it shall appear that the testimony was made before the grand jury through malice and without foundation, then it may be discretionary with the court or jury trying the cause to assess the costs of prosecution to such complaining witness or witnesses. *Provided*, That said prosecuting witness may be heard in his defence either in person or by counsel against the motion to assess the costs against him.

Mr. Slack moved to amend the amendment as follows:

Add at the conclusion as follows:

*Provided*, That said prosecuting witness may be heard in his defence either in person or by counsel against the motion to assess the costs against him.

Mr. Secrest moved to lay the amendment and the amendment to the amendment on the table.

Which was decided in the negative—ayes 18, noes 27.

The ayes and noes were demanded by Messrs. Goodman and Berry.

*Those who voted in the affirmative were,*

Messrs. Athon, Cravens, Crawford, Dawson, Dunn, Henton, Holloway, James, Kendall, Logan, Marshall, McCarty, Milliken, Niblack, Odell, Saffer, Secrest and Witherow.

*Those who voted in the negative were,*

Messrs. Alexander, Allen, Berry, Brugh, Defrees, Delevan, Dougherty, Eddy, Emerson, Goodman, Hanna Hester, Hickman, Hicks, Hunt, Kinnard, Knowlton, Longshore, Mickle, Reid, Slack, Spann, Teegarden, Turman, Walker, Washburn and Winstandley.

The question recurring on the adoption of the amendment to the amendment.

It was decided in the affirmative—ayes 31, noes 14.

The ayes and noes were demanded by Messrs. Marshall and Dunn.

*Those who voted in the affirmative were,*

Messrs. Alexander, Allen, Athon, Berry, Brugh, Cravens, Crawford, Defrees, Delevan, Dougherty, Eddy, Emerson, Goodman, Hester, Hickman, Hicks, Hunt, Kendall, Kinnard, Knowlton, Logan, Longshore, Mickle, Miller, Reid, Slack, Sleeth, Spann, Teegarden, Turman and Walker.

*Those who voted in the negative were,*

Messrs. Dawson, Dunn, Hanna, Henton, Holloway, Marshall, McCarty, Milliken, Niblack, Odell, Saffer, Secrest, Washburn, Winstandley and Witherow.

Mr. Mickle moved to amend the amendment as follows:

After the word "court" insert the word "jury."

Which was adopted.

The question being, will the Senate adopt the amendment as amended.

It was decided in the affirmative—ayes 27, noes 20.

The ayes and noes were demanded by Messrs. Dunn and Marshall.

*Those who voted in the affirmative were,*

Messrs. Alexander, Allen, Athon, Berry, Brugh, Defrees, Delevan, Dougherty, Eddy, Emerson, Goodman, Hanna, Hester, Hickman, Hicks, Hunt, Kinnard, Logan, Longshore, Mickle, Reid, Slack, Sleeth, Spann, Teegarden, Turman, and Walker.

*Those who voted in the negative were,*

Messrs. Cravens, Crawford, Davis, Henton, Holloway, James, Kendall, Marshall, McCarty, Miller, Milliken, Niblack, Odell, Saffer, Secrest, Washburn, Winstandley, and Witherow.

Mr. Reid moved to amend as follows :

Add an additional section—

That the inquest of the grand jury shall only extend to an examination of all cases over which they have jurisdiction, where the same is presented by the prosecuting attorney in writing; on a recognizance from justices of the peace or other court of record, or when any one of the members of the grand jury, or other person having personal knowledge of the commission of any crime, shall present the same in writing to said grand jury, signed by the grand juror or other person.

Mr. Secrest moved to lay the amendment on the table.

Which was decided in the affirmative; ayes 24, noes 21.

The ayes and noes were demanded by Messrs. Winstandley and Reid.

*Those who voted in the affirmative were,*

Messrs. Alexander, Allen, Athon, Cravens, Crawford, Davis, Dawson, Defrees, Dunn, Henton, Hicks, Holloway, James, Kendall, Logan, Marshall, McCarty, Mickle, Milliken, Odell, Saffer, Secrest, Teegarden, and Witherow.

*Those who voted in the negative were,*

Messrs. Berry, Brugh, Delevan, Eddy, Emerson, Goodman, Hanna, Hester, Hickman, Hunt, Knowlton, Longshore, Miller, Reid, Slack, Sleeth, Spann, Turman, Walker, Washburn, and Winstandley.

Mr. Slack moved to amend as follows :

Add a section as follows :

That the sittings of the grand jury during their investigation of a complaint, shall be public, and the accused, either in person or by counsel, shall have the privilege of cross examining the witnesses adduced against him.

Which was decided in the negative—ayes 22, noes 25.

The ayes and noes were demanded by Messrs. Slack and Crawford.

*Those who voted in the affirmative were,*

Messrs. Allen, Berry, Brugh, Defrees, Delevan, Emerson, Goodman, Hanna, Hester, Hickman, Hunt, Knowlton, Longshore, Mickle, Miller, Saffer, Slack, Sleeth, Spann, Turman, Walker, and Washburn.

*Those who voted in the negative were,*

Messrs. Alexander, Athon, Cravens, Crawford, Davis, Dawson, Dougherty, Dunn, Eddy, Henton, Hicks, Holloway, James, Kendall, Logan, Marshall, McCarty, Milliken, Niblack, Odell, Reid, Secrest, Teegarden, Winstandley, and Witherow.

Mr. Secrest moved to lay the bill and pending amendments on the table.

Which was not agreed to.

Mr. Duun moved to strike out the bill from the enacting clause except section —, repealing former laws relative to the method of empaneling grand juries.

Which was decided in the negative—ayes 19, noes 26.

The ayes and noes were demanded by Messrs. Berry and Goodman.

*Those who voted in the affirmative were,*

Messrs. Athon, Crawford, Dawson, Dunn, Eddy, Henton, Holloway, James, Kendall, Logan, Marshall, McCarty, Milliken, Niblack, Odell, Saffer, Secrest, Teegarden, and Witherow.

*Those who voted in the negative were,*

Messrs. Alexander, Allen, Berry, Brugh, Cravens, Defrees, Delevan, Dougherty, Emerson, Goodman, Hanna, Hester, Hickman, Hicks, Kinnard, Knowlton, Longshore, Mickle, Miller, Reid, Slack, Sleeth, Spann, Turman, Walker, and Washburn.

Mr. Hanna moved to amend as follows:

Strike out from the enacting clause and insert the following:

SEC. 1. That all laws requiring the empaneling grand jurors in this State, be, and the same are hereby repealed.

SEC. 2. That all crimes and offences, the punishment of which may be death or confinement in the State prison, shall hereafter be prosecuted in the circuit court, upon presentment filed in said court, by the regular attorney for the State; but may be inquired into by justices of the peace, and recognizances taken for appearance in said court, by said justice.

SEC. 3. That in all crimes and offences, the punishment of which is less than as provided for in the above section; circuit courts and justices of the peace shall have concurrent jurisdiction in inquiring into and punishing any one who may be charged by affidavit, in writing, with having committed any such offense.

*Provided*, That a justice of the peace shall have no power to render a judgment for more than twenty dollars of fine nor to order imprisonment as a part of said judgment, except as an alternative upon failure to pay judgment and costs; but in every case where a justice may be of opinion that a fine of twenty dollars is not a sufficient punishment, it shall be the duty of such justice to recognize the person accused to the circuit court.

SEC. 4. This act to take effect and be in force from and after the 4th day of July next.

Pending which,

Mr. Emerson moved to adjourn.

Which was decided in the affirmative—ayes 25, noes 20.

The ayes and noes were demanded by ten Senators.

*Those who voted in the affirmative were,*

Messrs. Alexander, Athon, Berry, Brugh, Cravens, Davis, Delevan, Dougherty, Eddy, Emerson, Goodman, Hanna, Hester, Hickman, Kendall, Kinnard, Longshore, Miller, Reid, Secrest, Slack, Spann, Teegarden, Turman and Washburn.

*Those who voted in the negative were,*

Messrs. Allen, Crawford, Dawson, Defrees, Dunn, Henton, Hicks, Holloway, James, Knowlton, Logan, Marshall, McCarty, Mickle, Milliken, Odell, Sleeth, Walker, Winstandley and Witherow.

On motion,

The Senate adjourned.

2 o'clock, P. M.

The Senate met.

The consideration of the question pending at the adjournment was resumed.

When,

Mr. Sleeth moved to suspend the order of business, and take up House bill No. 83. A bill dividing the State into Congressional districts.

Mr. Emerson moved a call of the Senate.

Which was ordered.

The Secretary proceeded with the call,

When,

On motion,

The absentees were sent for.

Mr. Saffer moved to suspend the further call of the Senate.

Which was decided in the negative.

Mr. Knowlton moved to suspend the further call of the Senate;

Which was decided in the negative.

On motion of Mr. Mickle,

The further call was suspended.

The question then recurring on the motion to suspend the order of business.

It was decided in the affirmative.

Mr. Mickle moved to renew the call of the Senate.

Which was ordered.

Mr. Slack moved to suspend the further call.

Which motion prevailed.

Bill No. 83, was then read a third time,

When,

Mr. Slack moved to recommit the bill to a select committee with the following instructions:

Strike Wabash county off the 11th district and attach it to the 10th.

Mr. Emerson moved to amend the instructions as follows:

And detach Switzerland county from the third and attach it to the fourth district.

A division of the question being called for, and the President having decided the question divisible, the first question on recommitting, Was decided in the negative—ayes 21, noes 27.



The ayes and noes were demanded by Messrs. Goodman and Slack.

*Those who voted in the affirmative were,*

Messrs. Alexander, Athon, Berry, Cravens, Crawford, Defrees, Dunn, Eddy, Emerson, Hanna, Hester, James, Kendall, McCarty, Mickle, Miller, Niblack, Reid, Saffer, Slack, and Spann.

*Those who voted in the negative were,*

Messrs. Allen, Brugh, Davis, Dawson, Delevan, Dougherty, Goodman, Henton, Hickman, Hicks, Holloway, Hunt, Kinnard, Knowlton, Logan, Longshore, Marshall, Milliken, Odell, Secrest, Sleeth, Teegarden, Turman, Walker, Washburn, Winsteadley, and Witherow.

The question being, Shall the bill pass?

It was decided in the affirmative. Ayes 29; noes 19.

*Those who voted in the affirmative were,*

Messrs. Allen, Brugh, Cravens, Crawford, Davis, Dawson, Delevan, Dougherty, Eddy, Goodman, Henton, Hickman, Hicks, Holloway, Hunt, James, Kinnard, Knowlton, Logan, Milliken, Odell, Reid, Secrest, Sleeth, Teegarden, Turman, Walker, Washburn, and Winsteadley.

*Those who voted in the negative were,*

Messrs. Alexander, Athon, Berry, Defrees, Dunn, Emerson, Hanna, Hester, Kendall, Longshore, Marshall, McCarty, Mickle, Miller, Niblack, Saffer, Slack, Spann, and Witherow.

Mr. Mickle moved to amend the title as follows :

An act to gerrymander the State into congressional districts.

Mr. Dunn moved to amend the amendment by adding the words "and disfranchise a portion of the people of the State."

Mr. Secrest moved to lay the amendment and the amendment to the amendment on the table.

Which was decided in the affirmative. Ayes 40; noes 8.

The ayes and noes were demanded by Messrs. Dunn and Mickle.

*Those who voted in the affirmative were,*

Messrs. Alexander, Allen, Athon, Brugh, Cravens, Crawford, Davis,

Dawson, Defrees, Delevan, Dougherty, Eddy, Goodman, Hanna, Henton, Hester, Hickman, Hicks, Holloway, Hunt, James, Kinnard, Knowlton, Logan, Longshore, McCarty, Miller, Millikin, Odell, Reid, Saffer, Sleeth, Spann, Teegarden, Turmav, Walker, Washburn, Winstandley, and Witherow.

*Those who voted in the negative were,*

Messrs. Berry, Dunn, Emerson, Kendall, Marshall, Mickle, Niback, and Slack.

Mr. Miller presented the following protest:

MR. PRESIDENT:

The undersigned, members of the Senate of Indiana, viewing with deep regret and displeasure the passage of House bill No. 83, being a bill for the purpose of districting the State for Congressional purposes, do hereby enter our protest against the bill aforesaid, as well as the passage thereof, and offer the following reasons in support of our opinion and protest:

*First.* Because the said bill does not divide the State, according to law, into contiguous territory, composed of the proper number of inhabitants, or ratio, according to the act of Congress; but, on the contrary, is composed of territory neither compact or contiguous, and uneven in its number of inhabitants,—all of which could have been easily corrected.

*Second.* Because this bill divides former districts for party and personal purposes, separating counties which have long been identified as one in principle and interest,—whose relations, commercial as well as political, have been of the closest and most friendly kind, and whose people are opposed to the principle of forming new and untried friendships and associations.

For these and other reasons, we hereby enter our protest against the passage of said bill, and request that the same be entered on the journals of the Senate, in proof of the same.

HOUSTON MILLER,  
*of Orange and Crawford.*  
 GEORGE G. DUNN,  
*of the county of Lawrence.*  
 JOSEPH G. MARSHALL,  
*of the county of Jefferson.*

Mr. Milliken moved a further suspension of the previous order of business;

Which was agreed to.

When,

On his motion,

The following message from the House of Representatives, by Mr. Sites, their Clerk,

Was taken up.

**MR. PRESIDENT:**

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof:

No. 132. Entitled "A bill to postpone the day of the beginning of the Dearborn circuit court for the February term, 1852."

In which the concurrence of the Senate is respectfully requested.

The accompanying bill was read a first time, when

Mr. Milliken moved to suspend the rules, and read the bill a second time now.

Which was decided in the affirmative. Ayes 34; noes 8.

*Those who voted in the affirmative were,*

Messrs. Alexander, Allen, Athon, Brugh, Cravens, Crawford, Davis, Dawson, Defrees, Delevan, Dougherty, Dunn, Henton, Holloway, James, Kendall, Kinnard, Knowlton, Logan, Longshore, Marshall, McCarty, Miller, Milliken, Niblack, Odell, Saffer, Secrest, Slack, Sleeth, Turman, Walker, Winstandley, and Witherow.

*Those who voted in the negative were,*

Messrs. Eddy, Emerson, Hanna, Hicks, Mickle, Spann, Teegarden, and Washburn.

The bill was read a second time, when,

Mr. Milliken moved to suspend the rules and read the bill a third time now;

Which was decided in the affirmative—ayes 36, noes 7.

*Those who voted in the affirmative were,*

Messrs. Alexander, Allen, Athon, Brugh, Cravens, Crawford, Dawson, Defrees, Delevan, Dougherty, Dunn, Goodman, Henton, Hester, Hickman, Holloway, Hunt, James, Kendall, Kinnard, Knowlton, Logan, Longshore, Marshall, McCarty, Miller, Milliken, Niblack, Odell, Saffer, Secrest, Slack, Sleeth, Walker, Winstandley, and Witherow.

*Those who voted in the negative were,*

Messrs. Eddy, Emerson, Hicks, Mickle, Teegarden, and Washburn.

The bill was read a third time, and

The question being, Shall the bill pass?

It was decided in the affirmative—ayes 41, noes 3.

*Those who voted in the affirmative were,*

Messrs. Alexander, Allen, Athon, Berry, Brugh, Cravens, Crawford, Dawson, Defrees, Delevan, Dougherty, Dunn, Emerson, Goodman, Henton, Hester, Hicks, Holloway, Hunt, James, Kendall, Kinard, Knowlton, Logan, Longshore, Marshall, McCarty, Miller, Miliken, Niblack, Odell, Reid, Saffer, Secrest, Slack, Sleeth, Spann, Teegarden, Walker, Winstandley, and Witherow.

*Those who voted in the negative were,*

Messrs. Eddy, Mickle, and Washburn.

Mr. Slack offered the following resolution:

*Resolved,* That the Senate will, the House concurring, on Saturday next, at 10 o'clock, A. M., go into the election of a Reporter for the Supreme court.

Which was adopted.

When,

On motion by Mr. Dawson,  
The Senate adjourned.

FRIDAY MORNING, 9 o'clock, }  
February 6, 1852. }

The Senate met.

The journal of yesterday was read.

Message from the House of Representatives by Mr. Sites their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House have concurred in the resolution of the Senate to proceed to the election of a reporter for the supreme court on Saturday next, at 10 o'clock, A. M.

Mr. Mickle moved to so amend the Journal of yesterday as to strike from the protest presented by Messrs. Miller, Dunn, and Marshall, the following language:

1st. Because the committee appointed by order of the Senate to report a bill for this purpose neglected to report a bill themselves, as well as neglected to report on two bills referred to said committee for this purpose, until there was not time sufficient to mature and perfect the same, nor until the bill of the House was reported to the Senate.

After much discussion,  
Mr. Alexander moved to adjourn.  
Which motion prevailed.

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2 o'clock, P. M.

The Senate met.

The consideration of the question pending at adjournment was resumed, and, after much debate, decided in the affirmative; ayes 25, noes 16.

The ayes and noes were demanded by Messrs. Secrest and Slack.

*Those who voted in the affirmative were,*

Messrs. Allen, Athon, Berry, Brugh, Cravens, Crawford, Dougherty, Eddy, Emerson, Henton, Hester, Hickman, James, Kinnard, Logan, Longshore, Mickle, Milliken, Secrest, Slack, Sleeth, Turman, Walker, and Washburn.

*Those who voted in the negative were,*

Messrs. Alexander, Davis, Defrees, Dunn, Hicks, Holloway, Kendall, Knowlton, Marshall, McCarty, Miller, Niblack, Odell, Reid, Spann, Teegarden, and Witherow.

Mr. Emerson moved to suspend the order of business and take up the orders of the day.

Which motion did not prevail.

#### PETITIONS PRESENTED.

By Mr. Knowlton:

The petition of J. F. Rairden, on the subject of education;  
Which,

On his motion,

Was referred to the committee on Education.

By Mr. Milliken:

The petition of George Ross and others, citizens of Lawrenceburgh township, upon the subject of the extension of the corporate limits of the city of Lawrenceburgh;

Which,

On his motion,

Was referred to the committee on Corporations.

#### REPORTS SUBMITTED.

By Mr. Hanna, from the committee on the Judiciary:

MR. PRESIDENT:

The committee on the Judiciary to whom was referred House bill No. 34, have had the same under consideration, and a majority of said committee have directed me to report the same back, with one amendment, upon the adoption of which they recommend its passage.

Amendment first. Strike out all of the first section, after the word "office," in the ninth line of said section, and insert the following:

Such index shall be a double index, giving the name of each grantor alphabetically, and also of each grantee in the same order; together with the number or letter of the book, and the page in which each deed is recorded.

Which was concurred in, and the amendments ordered to be engrossed for a third reading.

By Mr. Hanna, from the same committee:

**MR. PRESIDENT:**

The Judiciary committee, to whom was referred Senate bill No. 56, have had the same under consideration, and a majority of said committee have directed me to report the same back, with one amendment, upon the adoption of which they recommend its passage.

Amend by striking out from the enacting clause, and insert the following:

That the board of commissioners or other competent authority doing county business in any county in this State be, and they are hereby authorized to appropriate and set apart the annual dividends accruing to said county from stocks held by such county in its corporate capacity in any railroad corporation, to the support and for the use of common schools in such county.

**SEC. 2.** This act to take effect and be in force from and after its publication.

Which was concurred in, and Senate bill

No. 56. A bill authorizing the board of commissioners of the county of Washington, and other counties similarly situated, to appropriate the annual dividends arising on the stock owned by said counties in the New Albany and Salem Railroad Company, to the support of common schools in said counties;

Was read a second time, and ordered to be engrossed for a third reading.

By Mr. Hanna, from the same committee:

**MR. PRESIDENT:**

The committee on the Judiciary to which was referred a resolution of the Senate, inquiring into the constitutional power to levy a specific tax for road purposes, have had the same under considera-

tion, and a majority of said committee have directed me to report that, in their opinion, the levy of a specific tax is prohibited by the spirit of the first section of article 10 of the Constitution, which, among other things, provides that the Legislature "shall prescribe such regulations as shall secure a just valuation for taxation of all property, both real and personal," &c.

If a specific tax of so much per acre, for instance, was ordered, it would certainly not be according to the just valuation of real estate, for one acre might be worth fifty dollars, and that immediately adjoining it worth only five, and yet a specific levy would tax each to an equal amount, as if they were of the same value.

Which was concurred in.

By Mr. Reid, from the same committee:

MR. PRESIDENT:

The Judiciary committee, to whom was referred resolution of the Senate, inquiring whether an act to provide for the election of prosecuting attorneys in the 4th and 8th judicial circuits, approved January 16, 1844, is repealed by an act entitled "An act to repeal an act therein named, and to revise the statutes of 1843 relative to the election of prosecuting attorneys," approved February 14, 1851, have had the same under consideration, and a majority thereof have instructed me to report that, in their opinion, said act, approved January 16, 1849, providing for the election of prosecuting attorneys for the 4th and 8th circuits, is not repealed by the act of February 14, 1851.

Which was concurred in.

By Mr. Reid, from the same committee:

MR. PRESIDENT:

The committee on the Judiciary, to whom was referred a resolution of the Senate requesting them to inquire into the propriety of amending article 2, chapter 42, of the Revised Statutes of 1843, so as to compel attachment creditors to file bond before the issuing of said writ of attachment, have had the same under consideration, and have by a majority thereof requested me to introduce the following bill, amending said article, and to recommend its passage.

The accompanying bill,

No. 71. A bill to amend article 2 of chapter 42 of the Revised Statutes of 1843, concerning liens on boats and other vessels, repairs, &c., requiring attachment creditors to file bonds;

Which was read a first time, and passed to a second reading.



By Mr. Holloway, from the committee on Temperance :

MR. PRESIDENT :

The select committee to which was referred bill of the Senate No. 61, have had that subject under consideration, and have directed me to report the same back to the Senate, with the following amendments for the action of the Senate :

Amend as follows :

Strike out the 14th section, and insert the following in lieu thereof :

SEC. 14. That in all cases under this act where judgment shall be rendered against any defendant, that he or she stand committed until the fine and cost be paid or replevied, the defendant shall remain in prison until such imprisonment shall amount to said fine and costs at fifty cents per day, counting as nothing any fraction less than fifty cents; and upon all other judgments the personal property of the defendant alone shall be liable to execution.

2d amendment—Add after the 18th section, the following :

SEC. —. The prosecuting attorneys of the proper circuit may appear before any justice of the peace, mayor or judge of a city in his circuit and prosecute all criminal offences specified in this act, and in such case there shall be taxed, as costs, on conviction against the defendant, two dollars and fifty cents, as a fee for said attorney to be paid as the other costs.

3d amendment—Add to the 26th section the following :

*Provided, however,* That nothing in this act shall affect any prosecution pending in any circuit court at the time this act becomes a law, but all such prosecutions shall progress to final judgment and execution, as if this act had not passed.

Mr. Emerson moved to refer the bill to the committee on the Judiciary, with the following instructions :

Recommitt to committee on the Judiciary, with instructions to inquire into the power of the Legislature to authorize the imprisonment of individuals for the non-payment of costs in prosecutions for crimes and misdemeanors ;

Which was decided in the negative; ayes 21, noes 22.

The ayes and noes were demanded by Messrs. Milliken and Teegarden.

*Those who voted in the affirmative were,*

Messrs. Alexander, Allen, Athon, Berry, Brugh, Cravens, Davis, Dougherty, Emerson, Hickman, Hicks, James, Kendall, Kinnard,

Miller, Niblack, Spann, Turman, Walker, Washburn, and Winstandley.

*Those who voted in the negative were,*

Messrs. Crawford, Defrees, Dunn, Eddy, Goodman, Hanna, Henton, Hester, Holloway, Knowlton, Logan, Longshore, Marshall, McCarty, Mickle, Milliken, Odell, Reid, Saffer, Slack, Teegarden, and Witherow.

Mr. Eddy moved to postpone the further consideration of the bill till Tuesday, February 10th, and to make it the special order of the day for 2 o'clock of that day.

Which was decided in the negative.

Mr. Holloway moved to postpone till Monday next, and make it the special order of the day for 2 o'clock of that day.

Mr. Emerson moved to amend by postponing it till Friday, Feb. 13th, and making it the special order of the day for 2 o'clock of that day.

The question being on the amendment to the amendment,

On motion by Mr. Hanna,

The Senate adjourned.

SATURDAY MORNING, }  
February 7, 1852. }

The Senate met.

The Journal of yesterday was read.

Mr. Dunn moved to amend the Journal so as to insert the exact words of that part of the protest ordered to be stricken out.

Which was agreed to.

Mr. Niblack asked to be excused from serving on the committee on Finance;

Which was granted.

## PETITIONS PRESENTED.

By Mr. Witherow :

The petitions of sundry citizens and ladies of the State of Indiana, praying the repeal of all laws licensing the traffic in intoxicating liquors, &c.;

Which,

On his motion,

Were referred to the committee on Temperance.

By Mr. McCarty :

The memorial of the "Social Order of Temperance" of the town of Indianapolis, praying an enactment embodying the principles of the Maine law, restraining the traffic in intoxicating liquors.

Mr. McCarty moved to refer the memorial to the committee on Temperance.

Mr. Saffer moved to amend so as to lay it on the table, and order 1000 copies to be printed ;

Which was agreed to.

By Mr. Athon :

The petition of William Rea, of Clark county, in relation to his services in arresting two men who were charged with committing forgery ;

Which,

On motion,

Was referred to the committee on Claims.

By Mr. Berry :

The petition of citizens of Franklin and Dearborn, on the subject of education ;

Which,

On his motion,

Was referred to the committee on Education.

Message from the House of Representatives, by Mr. Sites, their Clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the Speaker has signed the following enrolled bills thereof :

Nos. 83 and 132. Which I am directed to bring to the Senate for the Signature of the President thereof.

Message from the House, by Mr. Sites, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following resolution:

*Resolved*, That the Senate be invited to attend in the Hall of the House instantler, for the purpose of electing a reporter to the supreme court, and that seats be provided for them on the right of the Speaker's chair.

Which was reciprocated, and the Senate preceded by their President, proceeded to the Hall of the House of Representatives, and took seats provided for them on the right of the Speaker's chair; when both houses in joint convention proceeded by a *viva voce* vote to the election of a reporter to the supreme court, of which the following is the result:

Horace E. Carter received 118 votes.

Blank received 3 votes.

*Those who voted for Horace E. Carter, on the part of the Senate, were,*

Messrs. Alexander, Allen, Athon, Berry, Brugh, Cravens, Crawford, Davis, Dawson, Defrees, Dougherty, Eddy, Goodman, Hanna, Henton, Hester, Hickman, Hicks, Holloway, James, Kendall, Kinnard, Knowlton, Logan, Longshore, McCarty, Mickle, Miller, Milliken, Niblack, Odell, Reid, Saffier, Slack, Sleeth, Spann, Turman, Walker, Washburn, Winstandley, and Witherow.

*Those who voted for Horace E. Carter, on the part of the House of Representatives, were,*

Messrs. Barker, Beach, Beane, Beeson, Behm, Brady, Bryant, Bula, Buskirk, Carpenter, Cockrum, Cowgill, Crawford, Cromwell, Davis, Dice, Dobson, Donaldson, Doughty, Douthit, Eccles, English, Gibson, Gookins, Goudy, Graham, Hanna, Hay of Clark, Hays of White, Henry, Hicks, Holladay of Parke, Holliday of Blackford, Holman, Hostetter, Hudson, Huey, Huffstetter, Humphreys, Hunt, Kent, King, Laverty, Leviston, Lewis, Litchfield, Major, Mayfield, McAllister, McConnell, McDonald, McDowell, Miller, Morris, Mudget, Nelson, Owen, Porter, Reynolds, Schoonover, Smith of Marion, Smith of Spencer, Stevens, Stover, Struble, Stuart, Sumner, Sweet, Thompson, Torbet, Walker, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker.

The following members of the House of Representatives voted blank:

Messrs. Geddes, Helmer, and Lawrence—3.

Horace E. Carter, having received the votes of a majority of all the members elected, he was, by the President of the Senate declared duly elected reporter to the supreme court, to serve as such from the date of his election until the 2d Tuesday in October, 1852, and until his successor is elected and qualified.

The President then declared the convention adjourned without day.

The Senate then returned to their chamber and resumed the business of legislation.

Mr. Slack moved to take from the table the petition of citizens of Decatur county and refer it to the committee on Temperance;

Which motion prevailed.

#### REPORTS SUBMITTED.

By Mr. Milliken, from the committee on Temperance:

MR. PRESIDENT:

The committee on Temperance have instructed me to report all the temperance memorials (some 20,000) back to the Senate, and ask that they be laid on the table.

Which was concurred in.

By Mr. Dougherty, from the committee on Finance:

MR. PRESIDENT:

The committee on Finance, to whom was referred a "joint resolution asking an appropriation of Congress to erect public buildings in the city of Indianapolis," have had that resolution under consideration and directed me to report the same back to the Senate with the following amendments thereto, which, when adopted, they recommend the passage of said resolution:

Strike out all after the word "State" where it occurs in the next to the last line in the first section, and insert after the words "United States," in the same line, the words "and of;" also strike out the preamble to said resolution.

Which was concurred in.

The accompanying joint resolution was ordered to be engrossed for a third reading.

By Mr. Cravens, from the committee on Finance :

MR. PRESIDENT:

The committee on Finance, to whom was referred Senate bill No. 66, "a bill creating a State Board of Equalization, defining their duties, their compensation, and duties of county auditors under this bill," have had the subject under consideration, and a majority have directed me to report the bill back to the Senate, and recommend that it be laid on the table.

Which was concurred in.

By Mr. Turman, from the joint committee on Enrolled Bills:

MR. PRESIDENT:

House bills Nos. 83 and 132 were this day presented to the Governor, by the joint committee on Enrolled Bills.

The question pending at the adjournment on yesterday, being on postponing Senate bill No. 61 until Friday, February 13th, and making it the special order for 2 o'clock of that day, was resumed,

And decided in the negative—ayes 14, noes 27.

The ayes and noes were demanded by Messrs. Holloway and Alexander.

*Those who voted in the affirmative were,*

Messrs. Allen, Athon, Brugh, Dougherty, Eddy, Goodman, Henton, Hicks, James, Kinnard, Logan, Walker, Washburn, and Witherow.

*Those who voted in the negative were,*

Messrs. Alexander, Berry, Cravens, Crawford, Dawson, Defrees, Dunn, Hanna, Hester, Hickman, Holloway, Kendall, Knowlton, Marshall, McCarty, Mickle, Miller, Niblack, Odell, Reid, Slack, Sleeth, Spann, Teegarden, Turman, and Winstandley.

Mr. Holloway moved a call of the House ;

Which was ordered.

On motion by Mr. Slack,

Leave of absence was granted to Mr. Secrest

On motion by Mr. Mickle,

Leave of absence was granted to Mr. Hunt, on account of sickness in his family.

On motion,

Leave of absence was granted to Mr. Delevan.

Mr. Milliken moved that each amendment be considered separately;

Which was agreed to.

The first question was, will the Senate concur in the first amendment made by the committee?

A division of the question being called for, and the President having decided the question divisible,

The first question, on striking out the 14th section,

Was decided in the affirmative—ayes 30, noes 12.

The ayes and noes were demanded by Messrs. Milliken and Marshall.

*Those who voted in the affirmative were,*

Messrs. Alexander, Allen, Athon, Brugh, Cravens, Crawford, Davis, Dunn, Eddy, Goodman, Henton, Hester, Hickman, Hicks, Holloway, James, Kendall, Logan, Marshall, McCarty, Mickle, Niblack, Odell, Reid, Slack, Sleeth, Walker, Washburn, Winstandley, and Witherow.

*Those who voted in the negative were,*

Messrs. Berry, Dawson, Defrees, Dougherty, Hanna, Kinnard, Knowlton, Miller, Milliken, Spann, Teegarden, and Turman.

The question then was, will the Senate insert the first amendment of the committee?

When,

Mr. Spann moved to suspend the order of business;

Which being unanimously agreed to,

He offered the following resolution:

*Resolved*, That when the Senate adjourn, it adjourn to meet on Monday next, at 9 o'clock, A. M.

Which was adopted.

On motion by Mr. Hester,

The Senate adjourned.

MONDAY MORNING, }  
February 9, 1852. }

The Senate met.

The Journal of Saturday was read.

#### PETITIONS.

Mr. Reid presented the petition of citizens of the county of Fayette, on the subject of free banking;

Which,

On his motion,

Was referred to a select committee of five.

Messrs. Reid, Defrees, James, Turman, and Walker were appointed said committee.

Mr. Slack moved to suspend the order of business and take up the following message from the House of Representatives.

Which motion prevailed.

#### MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed engrossed bill of the House,

No. 122. Entitled, an act to provide for the organization of county boards, and defining their powers and duties.

In which the concurrence of the Senate is respectfully requested.

The accompanying bill was read a first time and passed to a second reading.

Mr. Slack moved to suspend the rules and read the bill a second time now.

Which motion was decided in the negative; ayes 24, noes 13.

*Those who voted in the affirmative were,*

Messrs. Alexander, Allen, Athon, Brugh, Cravens, Crawford, Davis, Dawson, Defrees, Dougherty, Dunn, Goodman, Henton, Hester, Hickman, James, Kinnard, Milliken, Niblack, Reid, Saffer, Slack, Washburn, and Witherow.



*Those who voted in the negative were,*

Messrs. Berry, Eddy, Hanna, Holloway, Kendall, Logan, McCarty, Mickle, Odell, Sleeth, Teegarden, Turman, and Walker.

Reports from standing committees being in order,

The question pending at the adjournment on Saturday being upon inserting in Senate bill No. 61, section 14, as reported by the committee, in lieu of the one stricken out of the original bill, was taken up.

Mr. Mickle moved the following amendment to the amendment:

Strike out all that part which relates to imprisonment for cost.

Which was decided in the affirmative—ayes 29, noes 6.

The ayes and noes were demanded by Messrs. Holloway and Alexander.

*Those who voted in the affirmative were,*

Messrs. Alexander, Allen, Athon, Berry, Brugh, Cravens, Defrees, Dougherty, Dunn, Eddy, Goodman, Hanna, Henton, Hester, Hickman, Holloway, James, Kinnard, Logan, McCarty, Mickle, Miller, Niblack, Reid, Slack, Sleeth, Walker, Washburn and Witherow.

*Those who voted in the negative were,*

Messrs. Crawford, Dawson, Milliken, Odell, Saffer and Teegarden.

Mr. Reid moved the following amendment to the amendment:

*Provided however,* That no judgment defendant bring a woman shall be liable to such imprisonment.

Which was decided in the negative—ayes 17, noes 18.

The ayes and noes were demanded by Messrs. Hester and Reid.

*Those who voted in the affirmative were,*

Messrs. Allen, Berry, Brugh, Cravens, Dawson, Defrees, Eddy, Goodman, Hanna, Henton, Hickman, Kinnard, Mickle, Miller, Reid, Walker and Washburn.

*Those who voted in the negative were,*

Messrs. Athon, Crawford, Dougherty, Dunn, Hester, Holloway,

James, Logan, McCarty, Milliken, Niblack, Odell, Saffer, Slack, Sleeth, Teegarden, Turman and Witherow.

Mr. Dunn moved the following amendment to the amendment:

*Provided further*, That a judgment defendant shall have the right to his discharge from imprisonment, if it shall be made satisfactorily, to appear to the court rendering such judgment, that said defendant has no property to pay said judgment, as now provided by law.

Mr. Berry moved to lay the amendment to the amendment on the table.

Which was decided in the negative—ayes 15, noes 20.

The ayes and noes were demanded by Messrs. Dunn and James.

*Those who voted in the affirmative were,*

Messrs. Berry, Crawford, Dawson, Defrees, Hester, Hicks, Holloway, Logan, McCarty, Mickle, Milliken, Odell, Reid, Saffer, Teegarden, and Turman.

*Those who voted in the negative were,*

Messrs. Alexander, Allen, Athon, Brugh, Dougherty, Dunn, Eddy, Goodman, Hanna, Henton, Hickman, James, Kinnard, Miller, Niblack, Slack, Sleeth, Walker, Washburn and Witherow.

On motion by Mr. James,  
The Senate adjourned.

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2 o'clock, P. M.

The Senate met.

The consideration of the question pending at adjournment was resumed.

Mr. Mickle moved that the amendment proposed by the committee, and the amendment to the amendment to Senate bill No. 61, be laid on the table.

On motion by Mr. Milliken,  
A call of the Senate was ordered.

On motion by Mr. Milliken,

Leave of absence was granted to Mr. Emerson.

On motion by Mr. Washburn,

Leave of absence was granted to Mr. Knowlton, on account of sickness in his family.

On motion by Mr. Marshall,

Leave of absence was granted to Mr. Winstandley.

On motion,

The absentees were sent for.

Mr. Dawson moved to suspend a further call.

Which was agreed to.

The question recurring on laying the amendment, and the amendment to the amendment to Senate bill No. 61, on the table,

It was decided in the affirmative.

The bill was then read a second time, considered as in committee of the whole, each section being separately considered.

Mr. Berry moved to amend section second as follows:

Strike out of line 2d the words "or give away," and insert before the word "sell" the word "or."

Which motion did not prevail.

Mr. Mickle moved to amend by striking out the second and third sections and inserting the following:

It shall not be lawful, after the date aforesaid, for any person engaged in making or vending of intoxicating liquor, to sell, barter or give away intoxicating liquor, in any quantity, to a minor, or when said liquor is in whole or in part to be drank by a minor under the age of eighteen years, without the consent of the parent or guardian of such minor, nor to a person who is at the time in a state of intoxication, or who is in the habit of getting intoxicated, nor when said liquor is in whole or in part to be drank by a person who is at the time in a state of intoxication, or by a person who is in the habit of getting intoxicated. And any person or persons, by themselves or agents, offending against any of the provisions of this section, shall, for the first offence, be fined not less than one, nor more than five dollars; and for each subsequent offence, the court or jury trying the cause, shall add imprisonment. The first imprisonment shall not exceed forty-eight hours, and each subsequent imprisonment shall not be less than three, nor more than thirty days.

Mr. Spann moved to amend the amendment by striking out all after the word "dollars."

Mr. Eddy moved to lay the amendment and the amendment to the amendment on the table.

Which was decided in the affirmative. Ayes 26; noes 12.

The ayes and noes were demanded by Messrs. Milliken and Holloway.

*Those who voted in the affirmative were,*

Messrs. Crawford, Dawson, Defrees, Dougherty, Dunn, Eddy, Hanna, Hester, Hicks, Holloway, James, Kendall, Kinnard, Logan, Marshall, McCarty, Miller, Milliken, Niblack, Odell, Reid, Saffer, Secrest, Teegarden, Turman, and Witherow.

*Those who voted in the negative were,*

Messrs. Alexander, Allen, Athon, Berry, Goodman, Henton, Hickman, Mickle, Slack, Spann, Walker, and Washburn.

Mr. Eddy moved to amend the 3d section as follows:

Amend by striking out after the word "subject," in the 4th line, all before the words "for the first offence," in the 5th line, and insert the words "to a fine."

Which was decided in the affirmative. Ayes 30; noes 7.

The ayes and noes were demanded by Messrs. Holloway and Milliken.

*Those who voted in the affirmative were,*

Messrs. Alexander, Allen, Athon, Crawford, Dawson, Defrees, Dunn, Eddy, Goodman, Hanna, Henton, Hester, Hickman, Hicks, Holloway, Kendall, Kinnard, Marshall, McCarty, Mickle, Miller, Niblack, Reid, Saffer, Slack, Sleeth, Spann, Turman, Walker, and Witherow.

*Those who voted in the negative were,*

Messrs. Berry, Dougherty, James, Logan, Milliken, Odell, Teegarden, and Washburn.

Mr. Hester moved to amend the bill by striking out all after the 1st section, and inserting the following:

Amend by striking out all after the first section, and inserting the following:

SEC. 2. Before any person shall be permitted to vend spirituous liquors, except for medicinal or mechanical purposes, he shall annually give bond with sufficient surety, to be approved by the auditor of the county in which he shall desire to sell such liquor, to be filed in the office of said auditor, in the penal sum of five thousand dollars,

with twelve freehold sureties, conditioned for the payment of all damages which he may occasion to the wife or children of any habitual drunkard, to whom he may sell spirituous liquors, or to the parents of any minor to whom he may vend such liquors.

SEC. 3. Trials of such actions of damages as may arise under the preceding section, shall be determined by a jury, to be selected in the circuit court, if such trial be submitted to such court, or by the justice of the peace bringing such cause, according to the laws governing the empannelling and trials by such juries in such courts.

SEC. 4. Such jury, in determining the amount of damages, shall not be confined to actual damage sustained, but may assess any sum within the penalty of said bond, which, in their discretion, they may deem necessary, not only as compensation for actual damages sustained by the inebriate or his family, or by said parents, but to deter others from violating section two of this act.

SEC. 5. It shall be deemed sufficient evidence to maintain an action on said bond, that said inebriate, or minor, was seen about the premises of said liquor seller, where he usually vended such spiritous liquors, in a state of intoxication; but which fact, together with such other evidence as may be competent to establish the vending of spirituous liquors to such habitual drunkard or minor, shall be left to the determination of the jury.

SEC. 6. The jury shall determine from the evidence in the case whether the inebriate to whom such spirituous liquors are sold, in violation of section two hereof, in such cases submitted to them as aforesaid, are habitual drunkards within the meaning of this act.

SEC. 7. The wife, or parent, or in case they fail so to do, any one else in their behalf, may maintain an action upon such bond, as provided in section two of this act, in the name of the State, for the use and benefit of the wife, or in case she be deceased, the children or parent of such habitual drunkard.

SEC. 8. Such damages as may be collected under the provisions of this act shall be paid over to the wife, if she be living, or in case of her death, to the trustee to be appointed by the court trying such cause, for the benefit of such minor children of said inebriate as may be living, or to the parents of such inebriate.

SEC. 9. Any one vending spirituous liquors contrary to the provisions of this act, without first executing said bond, shall upon presentment, indictment, or upon affidavit filed before a justice of the peace, be fined in any sum not exceeding one hundred dollars, nor less than twenty-five dollars, for each and every such offence.

Mr. Holloway moved to lay the amendment on the table;

Which was decided in the negative—ayes 15, noes 22.

The ayes and noes were demanded by Messrs. Holloway and Milliken.

*Those who voted in the affirmative were,*

Messrs. Berry, Crawford, Dawson, Dougherty, Holloway, Kendall, Logan, McCarty, Miller, Milliken, Odell, Reid, Saffer, Teegarden, and Washburn.

*Those who voted in the negative were,*

Messrs. Alexander, Athon, Brugh, Cravens, Defrees, Dunn, Eddy, Goodman, Henton, Hester, Hickman, Hicks, James, Kinnard, Marshall, Mickle, Niblack, Slack, Sleeth, Spann, Walker and Witherow.

Mr. Holloway moved to amend the amendment as follows:

Amend the last section by inserting the words "to stand committed until the fine is replevied or paid;"

Which was decided in the negative—ayes 18, noes 19.

The ayes and noes were demanded by Messrs. Teegarden and Holloway.

*Those who voted in the affirmative were,*

Messrs. Crawford, Dawson, Defrees, Eddy, Hester, Hicks, Holloway, Logan, Marshall, McCarty, Mickle, Milliken, Odell, Reid, Saffer, Sleeth, Teegarden, and Witherow.

*Those who voted in the negative were,*

Messrs. Alexander, Allen, Athon, Brugh, Cravens, Dougherty, Dunn, Goodman, Henton, Hickman, James, Kendall, Kinnard, Miller, Niblack, Slack, Spann, Walker, and Washburn.

Mr. Holloway moved the following amendment to the amendment:

Amend the 5th section by inserting the following:

That the usual implements of a tippling house, such as decanters, &c., shall be taken and received as evidence that intoxicating liquors are sold by said defendant.

Which was decided in the negative—ayes 14, noes 23.

The ayes and noes were demanded by Messrs. Slack and James.

*Those who voted in the affirmative were,*

Messrs. Crawford, Dawson, Dougherty, Eddy, Holloway, Kendall, Logan, Marshall, McCarty, Mickle, Milliken, Odell, Reid and Saffer.

*Those who voted in the negative were,*

Messrs. Alexander, Allen, Athon, Brugh, Cravens, Defrees, Dunn, Goodman, Henton, Hester, Hickman, Hicks, James, Kinnard, Miller, Niblack, Slack, Spann, Teegarden, Walker, Washburn, and Withersow.

Mr. Mickle moved the previous question ;  
Which was not seconded.

Mr. Reid moved to amend the amendment by adding the following section :

That hereafter it shall not be lawful for any person or persons, by themselves or agents, to barter or sell any kind of intoxicating liquors whatever, in any quantity less than one quart at one time, or keep what is commonly called a "tippling house," in which spirituous liquors are either sold, bartered, or given away, to be drank in said house, out-house, garden, yard, or appurtenance thereto belonging; and if any person or persons shall violate any of the provisions of this section, every such person shall be fined for the first offence the sum of ten dollars, and for each and every subsequent violation hereof, in any sum not less than ten dollars, nor more than one hundred dollars; to which may be added, in the discretion of the jury or court trying the same, imprisonment in the jail of the proper county, not exceeding thirty days.

Which was decided in the negative; ayes 16, noes 25.

The ayes and noes were demanded by Messrs. Hester and James.

*Those who voted in the affirmative were,*

Messrs. Crawford, Dawson, Defrees, Dunn, Hicks, Holloway, Kinnard, Logan, Marshall, McCarty, Milliken, Odell, Reid, Saffer, Teegarden, and Turman.

*Those who voted in the negative were,*

Messrs. Alexander, Allen, Athon, Berry, Brugh, Cravens, Davis, Dougherty, Eddy, Goodman, Hanna, Henton, Hester, Hickman,

James, Kendall, Mickle, Miller, Niblack, Slack, Sleeth, Spann, Walker, Washburn, and Witherow.

Mr. Milliken moved to amend the amendment by adding the following section:

SEC. —. That in all trials of cases for the violation of this act, it shall be sufficient in the absence of more direct testimony to prove that the accused keeps the usual implements of a tippling house, or a part of them, or that drunken persons are frequently seen in or about his or her house, or that the witness verily believes that the article drank in his presence was intoxicating liquor. But the defendant shall have the privilege of answering under oath or affirmation in all these cases, whether intoxicating liquor has been drank in or about his house or not, and the credibility thereof shall be taken into consideration by the court or jury trying the case.

Which was decided in the negative—ayes 16, noes 25.

The ayes and noes were demanded by Messrs. Milliken and Holloway.

*Those who voted in the affirmative were,*

Messrs. Berry, Crawford, Dawson, Defrees, Eddy, Holloway, Kendall, Marshall, McCarty, Mickle, Milliken, Odell, Reid, Saffer, Teegarden and Turman.

*Those who voted in the negative were,*

Messrs. Alexander, Allen, Athon, Brugh, Cravens, Davis, Dougherty, Dunn, Goodman, Hanna, Henton, Hester, Hickman, Hicks, James, Kinnard, Logan, Miller, Niblack, Slack, Sleeth, Spann, Walker, Washburn and Witherow.

Mr. Holloway moved to amend the amendment as follows:

SEC. —. That in all judgments under the provisions of this act, against any person either for damages or fines, all the property in the house in which liquor is sold or given away, belonging to the offender shall be liable to execution to satisfy such judgment and if not enough personal property can be found, then the real property on or in which such liquor is sold shall be liable to execution to satisfy such judgment; *Provided*, that real estate not belonging to the offender shall not be thus subject to execution for the first offense either against the State or individuals.

Which was not agreed to.

Mr. Dougherty moved the following amendment to the amendment:



Strike out all after the first section, and insert the words:

"And all law prohibitory of the vending of spirituous liquors, be and the same hereby is repealed."

Which was decided in the negative—ayes 4, noes 35.

The ayes and noes were demanded by Messrs. Holloway and Milliken.

*Those who voted in the affirmative were,*

Messrs. Dougherty, Kinnard, Slack, and Washburn.

*Those who voted in the negative were,*

Messrs. Alexander, Allen, Athon, Berry, Brugh, Cravens, Crawford, Davis, Dawson, Defrees, Dunn, Eddy, Goodman, Hanna, Henton, Hester, Hickman, Hicks, Holloway, James, Kendall, Logan, Marshall, McCarty, Mickle, Milliken, Niblack, Odell, Reid, Saffer, Sleeth, Spann, Teegarden, Walker, and Witherow.

Mr. Eddy moved the previous question.

Which was seconded—ayes 43, noes 7.

The ayes and noes were demanded by Messrs. Milliken and Holloway.

*Those who voted in the affirmative were,*

Messrs. Alexander, Allen, Athon, Berry, Brugh, Cravens, Crawford, Davis, Dawson, Defrees, Dougherty, Dunn, Eddy, Goodman, Henton, Hester, Hickman, James, Kendall, Kinnard, Marshall, Mickle, Miller, Niblack, Reid, Saffer, Slack, Sleeth, Spann, Turman, Walker, Washburn, and Witherow.

*Those who voted in the negative were,*

Messrs. Hanna, Hicks, Holloway, Logan, McCarty, Milliken, and Teegarden.

The question being, shall the main question be now put?

It was decided in the affirmative.

The question then recurring on the adoption of the amendment,

It was decided in the negative—ayes 17, noes 24.

The ayes and noes were demanded by Messrs. Holloway and Milliken.

*Those who voted in the affirmative were,*

Messrs. Alexander, Athon, Brugh, Crawford, Defrees, Dunn, Eddy, Goodman, Hanna, Henton, Hester, Kinnard, Logan, Miller, Niblack, Spann, and Witherow.

*Those who voted in the negative were,*

Messrs. Allen, Berry, Cravens, Davis, Dawson, Dougherty, Hickman, Hicks, Holloway, James, Kendall, Marshall, McCarty, Mickle, Milliken, Odell, Reid, Saffer, Slack, Sleeth, Teegarden, Turman, Walker, and Washburn.

The question then being, shall Senate bill No. 61, as amended, be engrossed?

It was decided in the negative; ayes 13, noes 26.

The ayes and noes were demanded by Messrs. Slack and Holloway.

*Those who voted in the affirmative were,*

Messrs. Crawford, Dawson, Eddy, Holloway, Marshall, McCarty, Mickle, Milliken, Odell, Reid, Saffer, Teegarden, Turman, and Washburn.

*Those who voted in the negative were,*

Messrs. Alexander, Allen, Athon, Berry, Brugh, Cravens, Davis, Defrees, Dougherty, Dunn, Goodman, Hanna, Henton, Hester, Hickman, Hicks, James, Kendall, Kinnard, Miller, Niblack, Slack, Sleeth, Spann, Walker, and Witherow.

Mr. Turman moved to suspend the order of business;

Which was agreed to.

Whereupon,

Mr. Turman, from the committee on Districting the State for Supreme Judges, submitted the following report:

MR. PRESIDENT:

The committee appointed to divide the State into Districts for the election of three Judges of the Supreme Court, have had under consideration Senate bill No. 47, and directed me to report the following amendment thereto:

Strike out from the enacting clause, and insert as follows—

For the purpose of electing three Judges of the Supreme Court of

this State, the counties of Floyd, Clark, Scott, Jefferson, Switzerland, Ohio, Jennings, Ripley, Dearborn, Decatur, Franklin, Rush, Fayette, Union, Henry, Wayne, Randolph, Delaware, Blackford, Jay, Huntington, Wells, Adams, Whitley, Allen, Noble, DeKalb, Lagrange and Steuben shall constitute the first district.

The counties of Crawford, Harrison, Orange, Washington, Lawrence, Jackson, Brown, Bartholomew, Johnson, Shelby, Hendricks, Marion, Hancock, Boone, Hamilton, Madison, Clinton, Tipton, Carroll, Howard, Grant, Cass, Miami, Wabash, Fulton, Marshall, Kosciusko, St. Joseph and Elkhart shall constitute the second district.

The counties of Posey, Vanderburg, Warrick, Spencer, Perry, Gibson, Pike, Dubois, Knox, Daviess, Martin, Sullivan, Greene, Monroe, Vigo, Clay, Owen, Morgan, Vermillion, Parke, Putnam, Fountain, Montgomery, Warren, Tippecanoe, Benton, White, Jasper, Pulaski, Starke, Lake, Porter and Laporte shall constitute the third district; and that said districts shall be and remain as herein established, until altered or repealed by law.

Amend the title to read—A bill for districting the State for the election of three Judges of the Supreme Court.

Which was not concurred in.

On motion by Mr. Cravens,

The bill was laid on the table.

On motion by Mr. Dunn,

The vote on laying the bill on the table was reconsidered.

The motion to lay on the table was then withdrawn.

Mr. Dunn moved to recommit the bill with instructions to district the State into four districts for the election of four Supreme Judges.

A division of the question was called for.

The President having decided the question divisible,

The first question, on recommitting,

Was decided in the affirmative—ayes 21, noes 14.

The ayes and noes were demanded by Messrs. Cravens and Washburn.

*Those who voted in the affirmative were,*

Messrs. Alexander, Athon, Brugh, Crawford, Davis, Dougherty, Dunn, Eddy, Hanna, Hicks, Marshall, McCarty, Milliken, Niblack, Reid, Slack, Sleeth, Teegarden, Turman, Walker, and Witherow.

*Those who voted in the negative were,*

Messrs. Allen, Berry, Cravens, Dawson, Defrees, Goodman, Henton, Hickman, Holloway, Kinnard, Odell, Saffer, Spann, and Washburn.

The second question, on the adoption of the instructions, was decided in the affirmative; ayes 22, noes 16.

The ayes and noes were demanded by Messrs. Cravens and Teegarden.

*Those who voted in the affirmative were,*

Messrs. Athon, Brugh, Crawford, Davis, Dougherty, Dunn, Eddy, Hanna, Henton, Hester, Hicks, Kendall, Marshall, McCarty, Mickle, Milliken, Niblack, Reid, Slack, Turman, Walker, and Witherow.

*Those who voted in the negative were,*

Messrs. Alexander, Allen, Berry, Cravens, Dawson, Defrees, Goodman, Hickman, Holloway, James, Kinnard, Odell, Saffer, Sleeth, Spann, Teegarden, and Washburn.

Mr. Dunn presented the following protest against the passage of House bill No. 83, a bill to district the State into congressional districts.

Whereas, on the fifth day of this inst., House bill No. 83, being a bill to district the State for congressional purposes, &c., passed the Senate, and on the same day was presented in open Senate a protest against the passage of said bill, with the reasons for dissent, in writing, signed by Houston Miller from the counties of Crawford and Orange, Joseph G. Marshall from the county of Jefferson, and George G. Dunn from the county of Lawrence, which was presented by and on behalf of said Senators, and duly entered upon and made a part of the journal of the proceedings of that day. And whereas, on the day following thereto, that is, on the sixth day of the same month, by the order of the Senate, and against the consent and remonstrance of the Senators who had signed and presented said protest, there was stricken from the journal of the Senate of the proceedings of the preceding day, a part of the protest which had been so entered upon the Journal, which part so stricken from the Journal is as follows, to-wit:

"1st. Because the committee appointed by order of the Senate to report a bill for this purpose neglected to report a bill themselves, as well as neglected to report on two bills referred to said committee for this purpose, until there was not time sufficient to mature and perfect the same, nor until the bill of the House was reported to the Senate."

This was the first, among a number of reasons assigned by those presenting that protest for their dissent to that bill and the action of the Senate upon the subject. It was made a part of the protest, and

as such, with every other part of it, went upon the Journal. This reason was *lawfully* a part of that protest, and was *lawfully*, with every other part of the protest, upon the Journal, and being upon that Journal, thus lawfully, was a part of the Journal itself. The Constitution makes these positions clear. The 26th section of article IV, provides that "any member of either House shall have the right to protest, and to have his protest, with his reasons for dissent, entered on the Journal." Here the *right to protest* is secured to *any single member*; and the *right to have that protest, with his reasons for dissent, entered on the Journal*, is in like manner secured by the Constitution. Whenever that right is claimed, it must be granted or the Constitution is violated, and that protection which was thus designed to be secured to small minorities against oppression from unscrupulous and violent majorities, is trampled under foot. Against every tendency to such a condition of things, the undersigned now and at all times will enter his solemn protest; and he does now for himself, and on behalf and in the name of his constituents, whose rights have been violated, whose interest has been sacrificed, whose wishes have been set at defiance in the passage of said bill No. 83, and whose constitutional right to remonstrate, through their representative on this floor, against these wrongs and indignities, and to have that remonstrance entered upon and preserved in the journal of the proceedings of the Senate, has been invaded and violated by the action of this body, in causing to be obliterated from that Journal a part of his and their former protest, solemnly remonstrate and protest against that act.

Because that act, while the Senate recognized the right to protest and to have the same, with the reasons therefor, entered on the Journal, and permitted it to be exercised, has made that right inoperative, by striking out what by the Constitution was bound to be entered upon the Journal as a protection and vindication of the weak against the injustice and usurpations of the strong.

Because a minority have thereby been deprived of a constitutional means of showing to their constituents their own faithfulness to the public interest, and the disregard of that interest by a majority on this floor.

Because, a minority have been deprived of a natural right which is asserted in the Constitution, of giving their own reasons, in their own language, for their conduct, and been forced to use such reasons, only, as an arbitrary majority were willing to tolerate.

Because, such conduct of majorities is against the law of nature, of God, and of all other law which recognizes the right of thought and speech, and the obligation to think freely and to speak honestly; is subversive of the fundamental principles of this Government; is against all respectable precedent, and is destructive of the right and the power which justly belongs to the people to hold a public servant accountable for his official conduct.

Because, its tendency and effect is to force a falsehood from the

lips of truth; to strangle the exposure of official delinquency; to trample down and crush the weak in the mere wantonness and violence of brute strength; to encourage among our people a disregard of law, human and divine; to encourage the spirit of the mob, which, in its blind fury, will not discern between good and evil, but victimizes the innocent and guilty together; endorses the vilest assumptions and usurpations of ruthless ambition and remorseless despotism, and gives a sanction to their infamous maxim that "might is right."

Because, it is a plain violation of another and absolute *command* of the Constitution. The 4th article treats of the legislative department of the State,—establishes its character, and fixes its powers and duties. There are no powers in this body but what are there provided for; and the duties there prescribed cannot be disregarded without fault. The 12th section of that article declares that "Each House shall keep a journal of its proceedings, and publish the same." Was this clause of the Constitution regarded, when the Senate struck out, and *refused to keep* a part of the journal? The clause in the protest stricken out, was on the journal, as by the Constitution it was bound to go. It was thus a part of the proceedings,—a part of the "*journal* of proceedings" which that Constitution which we have sworn to support, says, emphatically and without any limitation, we "shall keep" and "publish." It was a part of the journal, else why was it, or how could it be stricken from the journal? There is no pretence that anything was placed on the journal not embraced in the protest. The journal was a copy of the protest; it was obliged so to be. But now, since a part has been stricken out, it is no copy. The protest is on the files. Place it beside, and compare it with the journal. They do not agree; they did, but do not now. Nothing has been added to the protest,—something has been stricken from the journal. A reason has been suppressed; a fact has been blotted out of that journal. It is no longer a true copy—a true journal, but it is a false copy and a false journal. It now bears false witness. Its usefulness is thus destroyed; its object defeated, and the people who required us to "keep and publish" it for their use and protection against unfaithful servants, are deprived of their rights.

This point of objection to the action of the Senate is not answered by saying the amount struck out was not great. A greater injury might sometimes result by striking out less. A bill of the utmost consequence for good or ill, might, after having passed or been defeated, be withdrawn from the people, or forced upon them by the temporary absence of one or two whose votes had been given for or against the bill, if the Senate has the right to strike out a part of the journal. Two votes in the affirmative stricken out, might leave less than the requisite number to pass a bill which had in fact passed, as the un mutilated journal would show. If the Senate may at pleasure strike from the journal, by the same reasoning it may add to it; and so a bill, having failed, by this amending process, could be passed, if, by accident, those who had voted against it should be absent for a

sufficient time to enable the friends of the measure and the advocates of *amendment* to *correct* the journal, by striking a few names from the list of "nays," and adding them to the list of "ayes." Thus it is seen that this new doctrine of the power of the Senate to amend the journal, as it is *falsely* called, would be an admirable system of irresponsible corruption in the hands of an unscrupulous majority, or even a very large minority. But it is not *amending*; it is *falsifying*. Amend means *to make better*. When the term is applied to records of this description, it is understood that such alterations are made as will present the truth accurately. Now it was a truth that the journal exactly copied the protest. That part of the journal was already of perfect and literal accuracy. Any alteration made it *worse*, not *better*,—made it *false*, undeniably, and not *accurately true*. The pretext for this infraction of the Constitution, and open violation of a solemn obligation to "keep a journal," is fallacious and absurd. It will not do, as an excuse, to pretend that the part stricken from that journal, reflected upon a committee of the Senate. There is no saving clause in the Constitution for the protection of tender skins or sensitive committee men. "*Each House shall keep a journal of its proceedings, and publish the same.*" That is all. There is no escape from language thus direct, unqualified, imperative. That each House has the means of protecting its journals from abuse in the shape of falsehood, vulgarity or other objectionable matter, whether presented in the shape of a protest or otherwise, is not controverted. But that means rests in the power of each House to punish members even to the extent of expulsion, for such abuses of their privileges. No such question, however, arises in this case. The language is decorous in its character, and it is believed to be true, precisely and to the extent there set down. The committee there referred to, had certainly failed to make, at any time, a report of any bill to the Senate. Two bills had been, at an early day in the session, referred to them for consideration, where they remained until returned by the committee, without recommendation or other evidence of having been considered, in obedience to an order of the Senate. More than seven weeks of the session had transpired. Another bill had been introduced by a member into the Senate, and there considered. A bill had originated in the House, and such proceedings thereon had, as that all knew it would pass that body. That was bill No. 83. And still that committee had made no report. These are facts, uncontroverted. If they were, the unobliterated part of the journal abundantly prove them. Here was a delay,—a very great and unusual delay of action, by that committee, upon a subject of interest to every part of the State. They *omitted* to make *any report at any time*. Is it a hardship, then, that it should be said that they "*neglected to report*"?—for exception is not taken to anything else. If this reflects upon the committee, in what does that reflection consist? In the facts of the case, or in the language used to represent those facts? Those who signed that protest, were under no parliamentary or

other obligation to adopt smooth circumlocutions to announce their just displeasure at the *deep wrong forced* upon their constituents by combinations that had been permitted to organize and acquire such strength as to overwhelm all the proper usages of legislation, to gratify private hatreds, or secure power to a selfish and most reprehensible ambition. In this act of the Senate, in blotting out a part of that complaint and protest, the undersigned feels that it is but an effort to add insult to an injured and betrayed people; to deprive them of their rights; to make them helpless, and then defy and mock them in their helplessness. Against all which the undersigned now does, and at all times will, most earnestly and solemnly protest.

GEORGE G. DUNN.

Mr. Berry offered the following resolution :

**WHEREAS**, The Senate passed House bill No. 83, a bill dividing the State into congressional districts, and *Whereas*, a minority of the Senate enter their protest against said act of the majority of the Senate, in which said protestors did use the following words "because the committee appointed by order of the Senate to report a bill themselves as well as neglected to report on two bills referred to said committee for this purpose until there was not time sufficient to mature and perfect the same nor until the bill of the House was reported to the Senate," and *Whereas*, the Senate afterwards on motion did order the words quoted above stricken from the Journal. Therefore be it

*Resolved*, That the reasons, which governed the majority in ordering said words to be stricken from the journal, were, that their opinion was, that, a protest in parliamentary law is a solemn declaration made in writing by a minority of a deliberative body to testify their dissent from the proceedings of a majority, and that in this sense is it secured to Senators by the constitution of the State. The constitution securing this parliamentary right does not license a protestor to misstate facts, to justify his act or to misrepresent those differing with him or to censure a minority; the non-action of a Senator or a committee; neither does it allow him to use reasons why a bill should not have passed, in a protest, that would have been unparliamentary for him to have urged in debate, when the bill was on its passage, why it should not pass.

And inasmuch as the committee did not neglect to act or disregard their duties but frequently met and could not agree on a bill, hence the protestors misrepresented the action of the committee, and as allusion to the unreported action of a committee cannot parliamentarily be made in debate, it cannot be the proper subject of censure or praise in a protest. To the end that the committee should not be improperly represented and that parliamentary usages be maintained said words were ordered to be stricken out, that the journals should exhibit only truth.



The question being on the adoption of the resolution,  
The ayes and noes were demanded by Messrs. Dunn and Marshall.

*Those who voted in the affirmative were,*

Messrs. Allen, Athon, Berry, Brugh, Crawford, Dougherty, Eddy, Goodman, Hanna, Henton, Hickman, James, Kinnard, Mickle, Milliken, Sleeth, Turman, Walker, and Washburn—19.

*Those who voted in the negative were,*

Messrs. Alexander, Cravens, Defrees, Dunn, Hester, Holloway, Marshall, McCarty, Niblack, Odell, Reid, Spann, and Witherow—13.

No quorum being present.

On motion by Mr. Holloway,  
The Senate adjourned.

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TUESDAY MORNING, }  
February 10, 1852. }

The Senate met.

The Journal of yesterday was read.

Mr. Teegarden gave notice that he would on to-morrow or some subsequent day, move to amend the standing rules.

On motion by Mr. Dunn,

The order of business was further suspended, when he offered the following resolution:

*Resolved*, That the Senate will, the House of Representatives concurring, adjourn on Monday the 23d instant, to meet again on Monday the 7th day of June next. *Provided*, That all compensation to the members of the Legislature shall cease during such recess, and that no mileage shall be allowed to members for their travel in going to and returning from their residences on account of such recess.

Mr. Cravens moved to lay the resolution on the table.

Which was decided in the affirmative. Ayes 22; noes 16.

The ayes and noes were demanded by Messrs. Dunn and Goodman.

*Those who voted in the affirmative were,*

Messrs. Allen, Athon, Berry, Brugh, Cravens, Defrees, Delevan, Dougherty, Hanna, Hickman, Hicks, Holloway, Hunt, James, Kinard, Longshore, Mickle, Odell, Sleeth, Spann, Teegarden, and Walker.

*Those who voted in the negative were,*

Messrs. Crawford, Dunn, Goodman, Henton, Hester, Kendall, Marshall, McCarty, Milliken, Niblack, Reid, Saffer, Slack, Turman, Washburn, and Witherow.

Reports being in order, the consideration of House bill No. 21 was resumed.

The question being on striking out from the enacting clause and inserting the amendment proposed by Mr. Hanna,

Mr. Slack moved to amend the amendment as follows:

After the second section insert an additional section as follows:

That it should be the duty of the prosecuting attorney to make the presentment in the above section required, whenever any competent witness shall make a complaint to said attorney in writing, and should said presentment not be sustained the person so making the complaint shall be liable for all costs which may accrue, to be assessed against them by the court or jury trying the cause.

Mr. Dunn moved a call of the Senate.

Which was ordered.

On motion,

The absentees were sent for.

On motion by Mr. Goodman,

Mr. Miller was excused on account of ill health.

On motion by Mr. Sleeth,

The further call of the Senate was suspended.

Mr. Spann moved to postpone the further consideration of the bill until Thursday next, and make it the special order for 2 o'clock of that day.

Which was decided in the affirmative—ayes 26, noes 14.

The ayes and noes were demanded by Messrs. Dunn and Mickle.

*Those who voted in the affirmative were,*

Messrs. Allen, Athon, Brugh, Cravens, Delevan, Dougherty, Eddy, Goodman, Hanna, Hester, Hickman, Hunt, Kinnard, Marshall, Mickle, Milliken, Niblack, Reid, Saffer, Slack, Sleeth, Spann, Teegarden, Turman, Walker, and Washburn.

*Those who voted in the negative were,*

Messrs. Berry, Crawford, Defrees, Dunn, Henton, Hicks, Holloway, James, Kendall, Logan, Longshore, McCarty, Odell, and With-  
erow.

#### RESOLUTIONS.

Mr. Berry offered the following resolution:

**WHEREAS**, The newspapers subscribed for by the Senate do not go to their addresses by mail, therefore

*Resolved*, That the Doorkeeper be directed to notify the publishers of the Indiana State Journal, Indiana State Sentinel, Indiana Volks Blatt, and Locomotive, that the subscription of the Senate for the enveloped copies of said papers is discontinued from and after to-morrow.

Mr. Mickle moved to refer the resolution to the committee on the Judiciary, with instructions to inquire into the law and the facts in the case, and report to the Senate.

On motion by Mr. Dougherty,

The resolution and instructions were laid on the table.

#### BILLS INTRODUCED.

By Mr. Hester,

No. 72. A bill providing for the assessment of damages against liquor sellers for vending spirituous liquors to an habitual drunkard, or minor, and requiring such liquor seller to execute a bond, and providing a penalty for his failure so to do.

Was read a first time, and passed to a second reading.

By Mr. Defrees,

No. 73. A bill to amend an act organizing in each county of this State, a probate court, and fixing the salary of the Judge thereof.

Which was read a first time and passed to a second reading.

By Mr. Holloway,

No. 74. A bill authorizing Plank road companies to create a sinking fund for the repair of said roads.

Which was read a first time, and passed to a second reading.

By Mr. Hicks,

No. 75. A bill to encourage education by the incorporation of companies empowered to institute and maintain high schools, academies, colleges, universities, and missionary boards.

Which was read a first time and passed to a second reading.

Mr. Milliken moved to take from the table House bill No. 27.

Which was agreed to, and

On his motion,

Was referred to the committee on County and Township Business.

#### ORDERS OF THE DAY.

##### *Bills on their Third Reading.*

Senate bill No. 59. A bill authorizing the boards doing county business to declare water courses navigable.

Was read a third time.

The question being, shall the bill pass?

It was decided in the negative—ayes 23, noes 16.

*Those who voted in the affirmative were,*

Messrs. Athon, Brugh, Cravens, Crawford, Davis, Delevan, Dougherty, Dunn, Goodman, Henton, Hickman, Hicks, Holloway, James, Kinnard, Longshore, Marshall, McCarty, Niblack, Reid, Saffier, Slack and Witherow.

*Those who voted in the negative were,*

Messrs. Alexander, Allen, Berry, Defrees, Eddy, Hanna, Hunt, Kendall, Logan, Mickle, Sleeth, Spann, Teegarden, Turman, Walker and Washburn.

Senate joint resolution No. 48. A joint resolution asking an appropriation of Congress to erect public buildings in the city of Indianapolis,

Was read a third time and passed; ayes 28; noes 12.

*Those who voted in the affirmative were,*

Messrs. Alexander, Allen, Athon, Brugh, Cravens, Defrees, Delevan, Dougherty, Dunn, Eddy, Henton, Hickman, Hicks, Holloway, Hunt, James, Kendall, Kinnard, Longshore, Marshall, McCarty, Reid, Saffer, Sleeth, Teegarden, Turman, Washburn, and Witherow.

*Those who voted in the negative were,*

Messrs. Berry, Crawford, Davis, Goodman, Hanna, Logan, Mickle, Milliken, Niblack, Slack, Spann, and Walker.

House bill No. 34. A bill authorizing recorders to make out general or complete indexes to records of deeds and mortgages, and to procure and use seals;

Was read a third time.

The question being, shall the bill pass?

It was decided in the affirmative; ayes 27, noes 11.

*Those who voted in the affirmative were,*

Messrs. Alexander, Allen, Berry, Brugh, Delevan, Dougherty, Eddy, Henton, Hester, Hickman, Hicks, James, Kendall, Kinnard, Longshore, Marshall, McCarty, Milliken, Niblack, Reid, Saffer, Slack, Spann, Turman, Walker, Washburn, and Witherow.

*Those who voted in the negative were,*

Messrs. Athon, Cravens, Defrees, Dunn, Goodman, Holloway, Hunt, Logan, Mickle, Sleeth, and Teegarden.

Senate bill No. 56. A bill authorizing the board of county commissioners of the county of Washington and other counties similarly situated, to appropriate the annual dividends arising on the stock owned by said county in the New Albany and Salem Railroad Company to the support of common schools in said county;

Was read a third time, when,

On motion by Mr. Cravens,

It was laid on the table.

## BILLS ON THEIR SECOND READING.

House bill No. 122. A bill to provide for the organization of county boards, and defining their powers and duties;

Was read a second time by its title, and,

On motion by Mr. Slack,

Referred to the committee on the Organization of Courts.

House bill No. 89. A bill in relation to officers and soldiers of Indiana, who served in the war of 1811, 1812, and 1813, and in the war with Mexico;

Was read a second time, when,

On motion by Mr. Reid,

It was referred to the committee on Military Affairs.

Senate joint resolution No. 69. A joint resolution on the subject of emigration to Oregon, and the Pacific coast;

Was read a second time, and ordered to be engrossed for a third reading.

House bill No. 64. A bill to establish public libraries;

Was read a second time, and ordered to a third reading.

House bill No. 112. A bill authorizing the formation of companies for the detection and apprehension of horse thieves and other felons, and defining their powers;

Was read a second time by its title; and

On motion by Mr. Slack,

Referred to a select committee.

Messrs. Slack, Witherow, and James were appointed said committee.

House bill No. 120. A bill for the protection of sheep;

Was read a second time, and ordered to a third reading.

On motion by Mr. Dunn,

The vote on ordering the bill to a third reading was reconsidered;

When,

Mr. Cravens moved to refer the bill to the committee on Agriculture.

Mr. Dunn moved to indefinitely postpone the bill;

Which motion did not prevail.

The question then recurring on referring the bill,  
It was decided in the affirmative.

House bill No. 68. A bill for the encouragement of Agriculture;  
Was read a second time, and ordered to a third reading.

Senate joint resolution No. 68. A joint resolution on the subject  
of the slave trade, and for the purposes of colonization;

Was read a second time; when,  
On motion by Mr. Dougherty,  
It was referred to the committee on Federal Relations.

House bill No. 115. A bill to exempt property from sale in cer-  
tain cases;

Was read a second time, when,  
On motion by Mr. Hester,  
It was postponed and made the special order of the day for Fri-  
day next, at 2 o'clock, P. M.

The following message was received from the House of Repre-  
sentatives, by Mr. Sites, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Sen-  
ate that the House has passed the following engrossed joint resolu-  
tion of the Senate, without amendment:

No. 67, entitled a joint resolution directing the publication of the  
Constitution of this State.

On motion by Mr. Hanna,  
The Senate adjourned.

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2 o'clock, P. M.

The Senate met.

Mr. Goodman moved to suspend the order of business.  
Which was agreed to.

When he offered the following resolution:

*Resolved*, That the committee on the State Prison be required to visit said prison and examine the same and report to this body at their earliest convenience.

Which was adopted.

On motion by Mr. Turman,  
The Senate adjourned.

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WEDNESDAY MORNING, }  
February 11, 1852. }

The Senate met.

The Journal of yesterday was read.

Mr. Marshall asked to be excused from serving on the committee on the State Prison, and that Mr. Witherow be appointed in his place.

Which was agreed to.

When,

On motion by Mr. Marshall,

Mr. Kendall was added to said committee.

By request,

Mr. Henton was also excused from serving on said committee.

On motion by Mr. Niblack,

Mr. Saffer was added to said committee.

On motion by Mr. Slack,

Leave of absence was granted to Mr. Allen from and after Friday next, on account of sickness in his family.

#### REPORTS SUBMITTED.

By Mr. Hanna, from the committee on the Judiciary:



**MR. PRESIDENT:**

The committee on the Judiciary, to which was referred House bill No. 94, have had the same under consideration, and a majority of said committee have directed me to report the same back with one amendment, for the action of the Senate.

Amend said bill by striking out all except the first and third sections thereof.

Which was concurred in, and the amendment ordered to be engrossed, and the bill ordered to a third reading.

By Mr. Logan, from the same committee:

**MR. PRESIDENT:**

The committee on the Judiciary, to whom was referred resolution of the House No. 16, have had the same under consideration, and a majority of said committee have instructed me to report the same back to the Senate and recommend its passage.

Mr. Mickle moved to lay the resolution on the table.

Which motion prevailed.

By Mr. Slack, from the same committee:

**MR. PRESIDENT:**

The Judiciary committee, to which was referred House bill No. 61, have had the same under consideration, and have requested me to report the same back to the Senate without amendment, and recommend its passage.

The accompanying bill No. 61, a bill to prevent the destruction of or injury to animals, and the destruction of human life by railroads, and to provide compensation for the same;

Was ordered to a third reading.

By Mr. Hanna, from the same committee:

**MR. PRESIDENT:**

The committee on the Judiciary, to whom was referred House bill No. 54, have had the same under consideration, and a majority of said committee have directed me to report the same back, with the following amendments for the action of the Senate:

1st. Amend 6th section by striking out the first line, and insert

the following words: "It shall not be necessary in conveyances under and in pursuance of this act for a married woman."

2d. And strike out at the end of said section the words "are hereby repealed."

3d. Amend 9th section by inserting after the word "estate," the following "made in pursuance of and under this act."

4th. Amend by adding at the end of the 10th section the following words: "and all the provisions of this act shall be considered as cumulative only."

Which were concurred in.

Mr. Secrest moved to strike out the 9th section of the bill;

Which was agreed to.

Mr. Dunn moved to indefinitely postpone the bill;

Which was decided in the negative. Ayes 19; noes 25.

The ayes and noes were demanded by Messrs. Berry and Dunn.

*Those who voted in the affirmative were,*

Messrs. Athon, Crawford, Dawson, Defrees, Dougherty, Dunn, Eddy, Hicks, Holloway, Kendall, Logan, Marshall, McCarty, Milliken, Odell, Saffer, Secrest, Spann, and Witherow.

*Those who voted in the negative were,*

Messrs. Alexander, Allen, Berry, Brugh, Cravens, Davis, Delevan, Goodman, Hanna, Hatfield, Hickman, Hunt, James, Kinnard, Longshore, Mickle, Miller, Niblack, Reid, Slack, Sleeth, Turman, Walker, Washburn, and Winstandley.

The question then being, shall the amendments be engrossed for a third reading?

It was decided in the affirmative—ayes 24, noes 20.

The ayes and noes were demanded by Messrs. Dunn and Dougherty.

*Those who voted in the affirmative were,*

Messrs. Alexander, Allen, Berry, Cravens, Davis, Delevan, Goodman, Hanna, Hatfield, Hickman, Hunt, James, Kinnard, Longshore, Mickle, Miller, Niblack, Reid, Slack, Sleeth, Turman, Walker, Washburn, and Winstandley.

*Those who voted in the negative were,*

Messrs. Athon, Brugh, Crawford, Dawson, Defrees, Dougherty,

Dunn Eddy, Hicks, Holloway, Kendall, Logan, Marshall, McCarty, Milliken, Odell, Saffer, Secrest, Spann, and Witherow.

By Mr. Niblack, from the same committee:

MR. PRESIDENT:

The committee on the Judiciary, to whom was referred a resolution of the Senate instructing said committee to inquire whether an act entitled "An act to provide for the election of township assessors in the counties therein named, and defining their duties," approved January 27, 1847, as found on page 136, Local Laws of 1847, is still in force in the counties therein named, have had the subject matter under consideration, and are of opinion that the question has been virtually settled by a recent decision of the Supreme Court of our State in the case of the State vs. Barbee in error from the Marion circuit court, and that further investigation of the subject by said committee is unnecessary, and have instructed me to ask that said committee may be discharged from the further consideration of said resolution.

Which was concurred in.

By Mr. Hanna, from the same committee:

MR. PRESIDENT:

A majority of the committee on the Judiciary, in pursuance to instructions heretofore given said committee to report a bill or bills in relation to the acquisition, enjoyment, &c., of property, have instructed me to report the following bill, embracing part of the subject instructed upon, for the action of the Senate.

The accompanying bill,

No. 76. A bill concerning persons capable of acquiring, holding and transferring real estate, and the rights and duties of such persons, the persons qualified, and the mode of conveying the title to or interest in real estate, the manner of giving notice thereof by recording the same, and the duties of recorders in relation thereto, and the construction to be given to, and the force of such deeds and the acknowledgment thereof when offered in evidence; also concerning estates, remainders, future estates, chattels real, estate tails for life, and freeholds, and the accumulation of rents;

Was read a first time and passed to a second reading.

On motion by Mr. Berry,  
The order of business was suspended.

On motion by Mr. McCarty,  
The vote on instructing the committee on the State Prison to visit the prison was reconsidered.

When,

On motion by Mr. Berry,  
The resolution was indefinitely postponed.

Mr. Slack, from the committee on County and Township Business, submitted the following report:

MR. PRESIDENT:

The committee on County and Township business, to which was referred House bill No. 122, have had the same under consideration, and have requested me to report the same back with the following amendments, to-wit:

After the 1st section, insert as follows:

SEC. —. That in all cases where a vacancy occurs in the office of county commissioner, either by death, removal, or resignation, it shall be lawful for the remaining member or members of said board, together with the county auditor, to fill the vacancies thus occurring by appointing one in stead thereof; and the person thus appointed, shall hold his office until the next annual election, and until his successor is elected and qualified.

Amend the 37th section by striking out the word "March," wherever it occurs, and insert the word "June."

And strike all out of said section after the word "any," in the 12th line.

With these amendments, the committee would recommend the passage of the bill.

The accompanying bill was read a second time, and the amendment of the committee concurred in.

When,

Mr. Miller moved to amend as follows:

Amend the 2d section so that the qualified voters of each district may elect their own commissioner separately.

Which was decided in the negative. Ayes 11; noes 27.

The ayes and noes were demanded by Messrs. Hatfield and Miller.

*Those who voted in the affirmative were,*

Messrs. Eddy, Goodman, Hanna, Hatfield, Hester, Hickman, Hicks, Kinnard, Marshall, Miller, and Sleeth.

*Those who voted in the negative were,*

Messrs. Alexander, Allen, Athon, Berry, Brugh, Cravens, Craw-

ford, Delevan, Dougherty, Dunn, Henton, Holloway, James, Kendall, Logan, Longshore, McCarty, Mickle, Milliken, Secrest, Slack, Spann, Teegarden, Walker, Washburn, Winstandley, and Witherow.

On motion by Mr. Alexander,  
The Senate adjourned.

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2 o'clock, P. M.

The Senate met.

The consideration of House bill No. 122, which was pending at the adjournment, was resumed.

The amendments proposed by the committee were ordered to be engrossed, and the bill ordered to a third reading.

#### REPORTS SUBMITTED.

By Mr. Turman, from a select committee:

#### MR. PRESIDENT:

The committee to whom was recommitted Senate bill No. 47, with instructions to divide the State into four districts for supreme judicial purposes, upon consultation, directed me to make the following report:

Amend by striking from the bill all after the enacting clause, and inserting the following:

That for the purpose of electing four Judges of the Supreme Court of this State, the counties of Steuben, St. Joseph, Lake, Kosciusko, Allen, Pulaski, White, Wabash, Adams, Blackford, Carroll, Lagrange, Laporte, Starke, Noble, Whitley, Jasper, Cass, Huntington, Jay, Grant, Miami, Elkhart, Porter, Marshall, De Kalb, Fulton, Benton, Wells, Randolph and Howard, shall constitute the first district.

The counties of Delaware, Rush, Decatur, Ripley, Switzerland, Clark, Henry, Fayette, Franklin, Dearborn, Jefferson, Floyd, Wayne, Union, Jennings, Ohio and Scott, shall constitute the second district.

The counties of Clinton, Hamilton, Hancock, Brown, Jackson, Crawford, Monroe, Tipton, Hendricks, Johnson, Bartholomew, Orange, Harrison, Madison, Boone, Marion, Shelby, Lawrence, Washington, Morgan and Perry, shall constitute the third district.

The counties of Warren, Montgomery, Vermillion, Owen, Knox, Martin, Posey, Spencer, Tippecanoe, Parke, Vigo, Sullivan, Dubois, Gibson, Vanderburgh, Fountain, Putnam, Clay, Greene, Daviess, Pike and Warrick, shall constitute the fourth district;

And that said districts shall be and remain as herein established until changed by law.

Mr. Slack moved to amend the amendment as follows:

Amend by striking Delaware off the 2d district, and attach it to the 1st.

Which was decided in the negative.

Mr. Dunn moved to amend by striking Monroe from the 3d district and adding it to the 4th.

Mr. Holloway moved to lay the bill and pending amendments on the table;

Which was agreed to.

By Mr. Brugh, from a select committee:

MR. PRESIDENT.

The select committee to whom was referred petition No. 8, have had the same under consideration, and consider it unconstitutional, and recommend the same to be laid on the table.

Which was concurred in.

By Mr. James, from a select committee:

MR. PRESIDENT:

The select committee to whom was referred bill of the House No. 90, have had the same under consideration, and have directed me to report the same back to the Senate and recommend its indefinite postponement.

Which was concurred in.

By Mr. Slack, from a select committee:

MR. PRESIDENT:

The select committee to which was referred House bill No. 112, has had the same under consideration, and requested me to report the same back with the following amendments, to-wit:

In the 3d and 4th lines of the 1st section strike out the word "freeholders."

In the 10th line of the 3d section strike out the word "perpetual;" and after the word "succession," in the 11th line of said sec-

tion insert the words "during any time not exceeding ten years, as provided in the 2d section of this act."

With these amendments the committee would recommend the passage of the bill.

The accompanying bill was read a second time, and the amendments concurred in.

Mr. McCarty moved to lay the bill on the table.

Which was agreed to.

Mr. Teegarden offered the following amendment to the standing rules:

Add SEC. —. When a bill or resolution shall be under consideration, no member of the Senate shall be permitted to speak more than fifteen minutes upon any amendment then pending, nor more than thirty minutes upon the main question when a bill or resolution is on its passage or adoption.

Which was adopted.

Mr. Goodman offered the following resolution:

*Resolved*, That from and after this day, no member shall have leave of absence unless in case of sickness of himself or family, and that whenever any member is absent his name shall be entered upon the Journal.

The question being, shall the resolution be adopted?

It was decided in the negative. Ayes, 12; noes 34.

The ayes and noes were demanded by Messrs. Goodman and Sleeth.

*Those who voted in the affirmative were,*

Messrs. Defrees, Delevan, Dunn, Goodman, Hanna, Hatfield, Henton, Hickman, Holloway, Kinnard, Mickle, and Washburn.

*Those who voted in the negative were,*

Messrs. Alexander, Allen, Athon, Berry, Brugh, Cravens, Crawford, Davis, Dawson, Dougherty, Eddy, Hester, Hicks, Hunt, James, Kendall, Logan, Longshore, Marshall, McCarty, Milliken, Niblack, Odell, Reid, Saffer, Secrest, Slack, Sleeth, Spann, Teegarden, Turman, Walker, Winstandley, and Witherow.

Mr. Alexander offered the following resolution:

*Resolved*, That the committee on Banks be instructed to inquire into the expediency of selling the State's interest in the stock and buildings of the State Bank of Indiana;

Which was adopted.

Mr. Berry offered the following resolution in lieu of one that failed on the 9th inst., for want of a quorum:

**WHEREAS**, The Senate, on the 5th inst., passed House bill No. 83, entitled "a bill dividing the State into Congressional districts":

**AND, WHEREAS**, A minority of the Senate did enter their protest against said act of the majority of the Senate, in which said protestors did use the following words: "Because the committee appointed by order of the Senate to report a bill for this purpose, neglected and refused to report a bill themselves, as well as neglected to report on two bills referred to said committee for this purpose, until there was not time sufficient to mature and perfect the same, nor until the bill of the House was reported to the Senate":

**AND, WHEREAS**, At the reading of the Journal of the next day, a motion was made to strike out the words quoted above, during the pendency of which the protestors authorized the Assistant Secretary to strike out the words "and refused," after which the Senate did order the remainder of said words, as quoted above, stricken from the Journal. Bill No. 83 was never before the committee censured. The protestors caused imputation of refusing to report to be stricken from the Journal, and the Senate caused the other, of neglect, to be stricken out. Thus the protestors and the Senate both used their undoubted right to correct the Journals, and each used the same means, that of striking out what each believed to be untrue, and they both exercised this right on the same day:

**AND, WHEREAS**, It is untrue that the committee did not report back the two bills referred to it "until after the bill of the House was reported to the Senate," for said committee did report back the bills referred to it four days before the House bill was reported to the Senate, and sixteen days before said House bill passed the Senate: Therefore, be it

*Resolved*, That the reasons which govern the majority in ordering said words to be stricken from the Journal were: that their opinion was, that a protest, in parliamentary law, is a solemn declaration made in writing by a minority of a deliberative body to testify their dissent from the proceedings of a majority, and that in this sense only is it secured to Senators by the Constitution of the State. The



Constitution securing this parliamentary right, does not license a protestor to misstate facts to justify his acts, or to misrepresent those differing with him, or to censure a majority, the nonaction of a Senator or of a committee; neither does it allow him to use reasons why a bill should not have passed, that would have been unparliamentary for him to have used in debate when the bill was on its passage, why it should not pass; and inasmuch as the committee did not neglect to act, or disregard their duties, but frequently met and could not agree on a bill, hence the protestors misrepresented the action of the committee; and as allusion to the unreported action of a committee cannot parliamentarily be made in debate, it cannot be the proper subject of censure or praise in a protest. To the end that the committee should not be improperly represented, and that parliamentary usages be maintained, said words were stricken out, that the Journal should exhibit only the truth.

Mr. Milliken moved the previous question ;

Which was not seconded.

Mr. Slack moved the previous question ;

Which was decided in the negative; ayes 22, noes 24.

The ayes and noes were demanded by Messrs. Slack and Athon.

*Those who voted in the affirmative were,*

Messrs. Allen, Athon, Berry, Brugh, Cravens, Crawford, Davis, Delevan, Eddy, Hanna, Hatfield, Hickman, Hicks, James, Kinnard, Logan, Longshore, Mickle, Secrest, Slack, Sleeth, and Washburn.

*Those who voted in the negative were,*

Messrs. Alexander, Dawson, Defrees, Dougherty, Dunn, Goodman, Henton, Holloway, Hunt, Kendall, Marshall, McCarty, Miller, Milliken, Niblack, Odell, Reid, Saffer, Spann, Teegarden, Turman, Walker, Winstandley, and Witherow.

After debate, the question being on the adoption of the resolution, it was decided in the affirmative—ayes 23, noes 17.

The ayes and noes were demanded by Messrs. Dunn and Berry.

*Those who voted in the affirmative were,*

Messrs. Allen, Athon, Berry, Brugh, Crawford, Dougherty, Eddy, Hanna, Henton, Hester, Hickman, James, Kinnard, Logan, Longshore, Mickle, Milliken, Secrest, Slack, Sleeth, Turman, Walker, and Washburn.

*Those who voted in the negative were,*

Messrs. Alexander, Davis, Dawson, Defrees, Delevan, Hatfield, Holloway, Kendall, Marshall, McCarty, Niblack, Odell, Reid, Saffer, Teegarden, Winstandley, and Witherow.

Messrs. Dunn and Miller asked to be excused from voting;  
Which was granted.

#### BILLS INTRODUCED.

By Mr. Holloway:

Joint resolution No. 77. Joint resolution on the subject of an Agricultural Bureau, at Washington City;

Which was read a first time, and passed to a second reading.

By Mr. Winstandley:

No. 78. A bill to authorize cities of 5000 inhabitants, or more, to issue their bonds, borrow money, build public houses for their use, purchase and make wharves, furnish water and light, and take stock in roads leading to the same, on petition of two-thirds of the resident freeholders thereof, and to take stock in companies for lighting or watering the same;

Which was read a first time and passed to a second reading.

By Mr. Turman:

No. 79. A bill to incorporate the Newton Fountain County Horse Thief Detecting Company;

Which was read a first time, and passed to a second reading.

Mr. Turman moved that, inasmuch as the bill was mongrel—half bill, half petition—to change its title to that of a petition, and lay it on the table;

Which motion prevailed.

On motion by Mr. Scerest,

Bill No. 45, of the Senate, was taken from the table, and placed on the files of the Senate.

Mr. Slack moved to reconsider the vote on indefinitely postponing bill of the Senate,

No. 35. A bill authorizing a general banking law;

Which was decided in the affirmative—ayes 34, noes 7.

The ayes and noes were demanded by Messrs. Slack and Dunn.

*Those who voted in the affirmative were,*

Messrs. Alexander, Allen, Athon, Brugh, Dawson, Defrees, Delevan, Eddy, Henton, Hester, Hickman, Hicks, Holloway, James, Kendall, Kinnard, Logan, Marshall, McCarty, Mickle, Miller, Milliken, Niblack, Odell, Reid, Secrest, Slack, Sleeth, Teegarden, Turman, Walker, Washburn, Winstandley and Witherow.

*Those who voted in the negative were,*

Messrs. Berry, Cravens, Crawford, Dougherty, Dunn, Hanna, Longshore and Spann.

On motion by Mr. Reid,

The bill was referred to the select committee on Banking.

On motion by Mr. Teegarden,

The Senate adjourned.

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THURSDAY MORNING, }  
February 12, 1852. }

The Senate met:

The journal of yesterday was read.

Mr. Milliken presented the petition of the Social Order of Temperance of the town of Indianapolis, praying an enactment embodying the principles of the Maine law;

Which,

On his motion,

Was referred to a select committee.

The following communication was received from the Governor.

EXECUTIVE DEPARTMENT, }  
INDIANAPOLIS, February 11, 1852. }

HON. JAMES H. LANE,  
*President of the Senate:*

SIR:—You will please lay before the Senate the enclosed Joint Resolutions of the Legislatures of the States of New Hampshire, Georgia, Delaware, Illinois and New Jersey, on the subject of slavery and the compromise measures.

Yours, JOSEPH A. WRIGHT.

On motion by Mr. Milliken,  
The accompanying papers were laid on the table.

#### REPORTS SUBMITTED.

By Mr. Dawson, from the committee on the Judiciary:

MR. PRESIDENT :

The committee on the Judiciary, to whom was referred a resolution of the Senate instructing them to inquire into the expediency of providing by law that the fees adjudged against defendants in criminal prosecutions shall be collected as other fees are collected by law in civil causes, have had that subject under consideration, and have instructed me to report that in the opinion of said committee it is inexpedient to legislate on that subject.

Which was concurred in.

By Mr. James, from the committee on Claims:

MR. PRESIDENT :

The committee on Claims, to whom was referred the petition of Amos Ross, of Dearborn county, Indiana, has had the same under consideration, and have directed me to report the same back to the Senate and recommend the said Ross be allowed twenty-five dollars for his services and expenses, and that it be placed in the specific appropriation bill.

On motion by Mr. Milliken,

The report was referred to the committee on Finance, with instructions to insert the claim in the specific appropriation bill.

By Mr. Reid, from a select committee:

**MR. PRESIDENT:**

The select committee to whom was referred Senate bill No. 5, an act for the organization of courts of common pleas, have had the same under consideration, and have unanimously instructed me to report the same back to the Senate with the following amendments, and when adopted to recommend its passage:

1st. Strike out from section three that part relating to the certificate and qualifications of the judges, commencing at the words "nor until."

2d. Strike out the 13th section and insert in lieu thereof the following:

"Said courts in their respective counties shall have jurisdiction of all suits, complaints, pleas, and matters personal, mixed and real, and of all civil actions at law between party and party, where the debt or damages claimed do not exceed five hundred dollars, which shall be lawfully brought before them, and shall have power to hear, pronounce judgment, and award execution according to law, except in those cases where exclusive cognizance is given to any other court, which jurisdiction shall be concurrent with the circuit court of the proper county.

3d. Amend section 48 by inserting after the words "in person," in the last line, the following: "or by the clerk of said court."

4th. Strike out section 62, which relates to prosecuting attorneys.

5th. In the first specification of section 69, strike out the words "one-half," and insert the word "one." In the 2d and 3d specifications, strike out the words "one-fourth," and insert "one-half."

6th. Insert as new sections:

The counties of Lake and Porter shall form one district for the election of a judge of common pleas; the counties of Marshall and Starke; the counties of Fulton and Pulaski; the counties of White and Jasper; the counties of Benton and Warren; the counties of Wells and Blackford; Howard and Tipton; the counties of Ohio and Switzerland shall for the like purposes form districts for the election of one judge each.

7th. SEC. —. The judge of common pleas, within his district, shall have full power to issue writs of habeas corpus, either in vacation or term time, and to hear, discharge, recommit, or hold to bail, as the exigencies of the case may require, according to law, and the practice and rule adopted by the circuit courts of this State, governing writs of habeas corpus.

8th. SEC. —. For the purpose of filing reports of executors, administrators, or guardians, for filing accounts against estates, re-

ceiving, entering of record, and rendering judgments by confession on powers of attorney in civil cases, said court shall be open on the first Saturday of each month, during the usual hours of court, from 9 o'clock, A. M., to 5 o'clock, P. M., during the vacation of said court: *Provided, however,* That in districts composed of more than one county, said judge shall keep his court open for the purposes aforesaid, commencing in the largest county first, and so on in succession on the basis of population aforesaid; in like manner said court shall hold their regular quarterly terms at the court houses of the proper counties, commencing with the largest county first, and so on in succession, as aforesaid, each term of the court in the smaller counties commencing on Monday succeeding the court in the larger counties.

9th. SEC. —. When two or more counties form a district for the election of a judge of a court of common pleas, each county forming such district, shall pay out of its fee fund or county treasury, to said judge, as his compensation for his services, any sum not less than two hundred and fifty dollars, nor more than four hundred dollars annually.

10th. Amend section 60, by inserting after the word "district," in the last line: "*Provided, however,* before the formation of any such district, the board doing county business wishing to form said district shall notify the board of the adjoining county, with whom said county wishes to form such alliance, that they intend doing the same, which notice shall be spread on the records of the said board, and the election of a judge for said district shall be held in each county on the same day, and shall in all things be regulated by the laws governing general elections.

11th. Strike out section 61.

12th. SEC. —. Whenever the circuit court of any county shall happen to be in session on the first Saturday of any month, being the day of the monthly term of this court, the judge shall adjourn said special term until the next succeeding Saturday, and so in succession as relates to the other counties forming his district, of which notice by him shall be given of such adjournment.

On motion by Mr. Mickle,

The bill and pending amendments were laid on the table, and 250 copies of the amendments were ordered to be printed.

By Mr. James, from the committee on Claims:

MR. PRESIDENT:

The committee on Claims, to whom was referred the petition of William Rea of Clark county, have had the same under consideration, and have directed me to report the same back to the Senate and recommend he be allowed twenty-five dollars for his services

and expenses, and that it be placed in the specific appropriation bill.  
Which was concurred in, and

On motion by Mr. James,  
The claim was referred to the committee on Finance.

#### ORDERS OF THE DAY.

##### *Bills on their Third Reading.*

House bill No. 94. A bill to constitute a council, to be composed of officers of State, without whose advice and consent the Governor shall not have power to grant pardons; and to regulate the granting of such pardons, and the remission of fines and forfeitures.  
Was read a third time.

The question being, shall the bill pass?  
It was decided in the negative—ayes 12, noes 31.

*Those who voted in the affirmative were,*

Messrs. Eddy, Goodman, Hanna, Hatfield, Hester, Hunt, Kinard, Mickle, Milliken, Slack, Washburn and Winstandley.

*Those who voted in the negative were,*

Messrs. Alexander, Allen, Athon, Brugh, Cravens, Crawford, Davis, Dawson, Defrees, Delevan, Dunn, Henton, Hickman, Hicks, Holloway, James, Kendall, Logan, Marshall, McCarty, Miller, Niblack, Odell, Reid, Saffer, Secrest, Sleeth, Spann, Teegarden, Walker and Witherow.

House bill No. 54. A bill regulating the forms of deeds and mortgages, and of their acknowledgments;

Was read a third time; when

Mr. Saffer moved to recommit the bill with the following instructions:

Strike out the 6th section.

Which was decided in the negative.

Mr. Dougherty moved to recommit the bill with the following instructions:

Strike out the following words in the 7th section, to-wit:

"In which the said public officers shall have good cause to believe that the contents and purport of the said deed are not fully known to to the grantee thereof."

Which was decided in the negative.

And the question being, shall the bill pass?

Was decided in the negative—ayes 16, noes 28.

*Those who voted in the affirmative were,*

Messrs. Berry, Delevan, Goodman, Hanna, Hatfield, Hester, Hickman, James, Kinnard, Mickle, Miller, Reid, Slack, Sleeth, Washburn and Winstandley.

*Those who voted in the negative were,*

Messrs. Alexander, Allen, Athon, Brugh, Crawford, Cravens, Dawson, Defrees, Dougherty, Dunn, Eddy, Henton, Hicks, Holloway, Hunt, Kendall, Logan, Marshall, McCarty, Milliken, Niblack, Odell, Saffer, Secrest, Spann, Teegarden, Walker and Witherow.

House bill No. 61. A bill to prevent the destruction of or injury of animals and the destruction of human life by railroads, and to provide compensation for the same;

Was read a third time; and,

The question being, Shall the bill pass?

It was decided in the affirmative—ayes 31, noes 12.

*Those who voted in the affirmative were,*

Messrs. Allen, Athon, Berry, Brugh, Crawford, Davis, Dawson, Defrees, Delevan, Dunn, Eddy, Hatfield, Henton, Hester, Hickman, Hicks, Holloway, Hunt, James, Kinnard, Mickle, Miller, Niblack, Reid, Slack, Sleeth, Spann, Teegarden, Walker, Washburn, and Witherow.

*Those who voted in the negative were,*

Messrs. Alexander, Cravens, Dougherty, Goodman, Kendall, Logan, Marshall, McCarty, Milliken, Odell, Secrest and Winstandley.

On motion by Mr. Dunn,

The vote on the passage of House bill No. 61, was reconsidered.

Mr. Dunn then moved to reconsider the vote on ordering the bill to a third reading;



Which was agreed to ; when  
 Mr. Marshall moved to recommit the bill to the committee on the  
 Judiciary.

Which motion prevailed.

House bill No. 68. A bill for the encouragement of Agriculture ;  
 Was read a third time.

And the question being " Shall the bill pass ? "

It was decided in the affirmative. Ayes 37 ; noes 5.

*Those who voted in the affirmative were,*

Messrs. Alexander, Berry, Crawford, Davis, Dawson, Defrees,  
 Delevan, Dunn, Eddy, Hester, Hickman, Hicks, Holloway, Hunt,  
 James, Kendall, Kinnard, Logan, Longshore, Marshall, McCarty,  
 Mickle, Milliken, Niblack, Odell, Reid, Saffer, Secrest, Slack, Sleeth,  
 Spann, Teegarden, Turman, Walker, Washburn, Winstandley, and  
 Witherow.

*Those who voted in the negative were,*

Messrs. Athon, Brugh, Cravens, Henton, and Miller.

No. 64, of the House. A bill to establish Public Libraries ;  
 Was read a third time.

And the question being, Shall the bill pass ?

It was decided in the affirmative. Ayes 36 ; noes 6.

*Those who voted in the affirmative were,*

Messrs. Alexander, Allen, Dawson, Defrees, Delevan, Dougherty,  
 Dunn, Eddy, Henton, Hester, Hickman, Hicks, Holloway, Hunt,  
 James, Kendall, Kinnard, Logan, Longshore, Marshall, McCarty,  
 Mickle, Milliken, Niblack, Odell, Reid, Saffer, Secrest, Sleeth, Spann,  
 Teegarden, Turman, Walker, Washburn, Winstandley and Witherow.

*Those who voted in the negative were,*

Messrs. Athon, Brugh, Cravens, Crawford, Davis, and Miller.

On motion of Mr. Marshall,

The order of business was suspended ; when

The following message, from the House of Representatives, was  
 taken up :

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bills thereof:

No. 82. Entitled "A bill to enable the Madison and Indianapolis Rail Road Company to avoid the inclined plane at Madison; to provide for the sale of the interest of the State in said Rail Road, and to repeal, so far as affects the Madison and Indianapolis Rail Road Company, the 55th and 58th sections of the act entitled 'An act for the continuance and construction of all or any part of the public works of this State by private companies, and for abolishing the Board of Internal Improvements, and the offices of Fund Commissioners and Chief Engineer,'" approved Jan. 28, 1842. Also,

No. 129. Entitled "An act for the recovery of property removed by high water."

In which the concurrence of the Senate is respectfully requested.

The accompanying bill, No. 82, was read a first time, when

Mr. Marshall moved to suspend the rules, and read the bill a second time now;

Which was decided in the negative—ayes 30, noes 8.

*Those who voted in the affirmative were,*

Messrs. Allen, Athon, Brugh, Cravens, Dawson, Defrees, Delevan, Dougherty, Goodman, Hester, Hicks, Holloway, James, Kendall, Logan, Marshall, McCarty, Miller, Milliken, Niblack, Odell, Reid, Saffer, Slack, Spann, Turman, Walker, Washburn, Winstandley, and Witherow.

*Those who voted in the negative were,*

Messrs. Berry, Crawford, Dunn, Eddy, Hatfield, Hickman, Mickle, and Secret.

On motion by Mr. Berry,  
The Senate adjourned.

435  
2 o'clock, P. M.

The Senate met.

Mr. Allen, moved to suspend the order of business ;  
Which was agreed to, when

Mr. Allen, from the committee on Public Buildings, submitted the following report :

MR. PRESIDENT :

The committee on Public Buildings, to whom was referred a resolution of the Senate, on the subject of fencing the Tippecanoe battle ground, have had the same under consideration, and directed me to report the following bill and recommend its passage.

The accompanying bill No. 79. A bill to provide for the appointment of a commissioner to superintend the fencing of the Tippecanoe battle ground ;

Was read a first time, and passed to a second reading.

The hour having arrived, the special order of the day, it being House bill No. 12, relative to grand juries, was taken up.

The question being on the adoption of the amendment proposed by Mr. Hanna,

Mr. Hester moved a call of the Senate ;  
Which was ordered, and the absentees sent for.

On motion by Mr. Reid,  
The further call was suspended.

Mr. Reid moved the suspension of the order of business ;  
Which was decided in the affirmative.

When

Mr. Reid, from the committee on Phraseology and Arrangement of bills, submitted the following report :

MR. PRESIDENT :

The committee on Phraseology and arrangement of bills, to whom was referred joint resolution of the Senate regarding the granting of public lands for the benefit of public schools, which are situate in this State, and belonging to the United States, have had the same under consideration, and have instructed me to report the same back to the Senate with the following amendment for the consideration of the Senate :

Strike out after the word " the," in the enacting clause, the words

"Senate and House of Representatives," and insert "General Assembly."

Which was concurred in, and the accompanying joint resolution read a second time.

When

Mr. Cravens moved to recommit the joint resolution ;

Which motion did not prevail.

The question then was, Shall the joint resolution be engrossed for a third reading?

It was decided in the affirmative.

On motion by Mr. Mickle,

The order of business was further suspended, and

Senate bill No. 47. A bill districting the State for the election of three judges of the supreme court,

Was taken up.

The question being on the adoption of the amendments proposed by the committee,

Mr. Dunn moved that the amendments be considered separately ;

Which was agreed to.

Mr. Berry moved to lay the amendments proposed by the committee, on the table.

Which was decided in the negative. Ayes 16 ; noes 25.

The ayes and noes were demanded by Messrs. Berry and Dawson.

*Those who voted in the affirmative were,*

Messrs. Allen, Berry, Cravens, Dawson, Delevan, Dunn, Hatfield, Holloway, James, Kinnard, Knowlton, Odell, Secrest, Sleeth, Spann, Teegarden, Washburn, and Witherow.

*Those who voted in the negative were,*

Messrs. Alexander, Athon, Brugh, Crawford, Davis, Defrees, Dougherty, Eddy, Goodman, Henton, Hester, Hickman, Hicks, Hunt, Kendall, Longshore, Marshall, McCarty, Mickle, Milliken, Niblack, Reid, Turman, Walker, and Winstandley.

The question then was, will the Senate adopt the first amendment proposed by the committee? when,

Mr. Reid moved to amend the amendment as follows :

Detach the county of Randolph from the 1st and attach it to the second district.

Which was decided in the negative.

Mr. Brugh moved to amend the amendment as follows:

Amend by attaching Randolph to the 2d district, and attaching Delaware to the 1st.

Which was decided in the negative; ayes 18, noes 28.

The ayes and noes were demanded by Messrs. Reid and Brugh.

*Those who voted in the affirmative were,*

Messrs. Brugh, Dawson, Dougherty, Dunn, Eddy, Goodman, Hatfield, Hester, Hickman, Hicks, Holloway, James, Kendall, Kinnard, Miller, Reid, Slack, and Spann.

*Those who voted in the negative were,*

Messrs. Alexander, Allen, Athon, Berry, Cravens, Crawford, Davis, Defrees, Delevan, Henton, Hunt, Knowlton, Logan, Longshore, Marshall, McCarty, Mickle, Milliken, Niblack, Odell, Secrest, Sleeth, Teegarden, Turman, Walker, Washburn, Winstandley, and Withe-row.

The question recurring on the adoption of the first amendment; It was decided in the affirmative.

The question then being, will the Senate adopt the second amendment proposed by the committee?

When,

Mr. Spann moved to amend the amendment as follows:

Strike Floyd county from the 2d district and attach it to the 3d, and strike Bartholomew from the 3d and attach it to the 2d.

Which was decided in the affirmative.

The question then being on the adoption of the amendment as amended;

It was decided in the affirmative; ayes 29, noes 17.

The ayes and noes were demanded by Messrs. Winstandley and Reid.

*Those who voted in the affirmative were,*

Messrs. Alexander, Allen, Athon, Berry, Brugh, Crawford, Defrees, Delevan, Dunn, Henton, Hickman, Holloway, James, Kendall, Logan, Longshore, Marshall, McCarty, Miller, Milliken, Niblack,

Odell, Reid, Slack, Sleeth, Spann, Teegarden, Turman and Witherow.

*Those who voted in the negative were,*

Messrs. Cravens, Davis, Dawson, Dougherty, Eddy, Goodman, Hatfield, Hester, Hicks, Hunt, Kinnard, Knowlton, Mickle, Secrest, Walker, Washburn and Winsteadley.

The question then being, will the Senate adopt the third amendment proposed by the committee?

It was decided in the affirmative—ayes 23, noes 21.

The ayes and noes were demanded by Messrs. Winsteadley and Hester.

*Those who voted in the affirmative were,*

Messrs. Alexander, Allen, Athon, Berry, Brugh, Crawford, Delevan, Dunn, Eddy, Henton, Holloway, James, Kendall, Logan, Longshore, Marshall, Niblack, Odell, Reid, Spann, Turman, Walker and Witherow.

*Those who voted in the negative were,*

Messrs. Cravens, Davis, Defrees, Dougherty, Goodman, Hatfield, Hester, Hickman, Hicks, Hunt, Kinnard, Knowlton, Mickle, Miller, Milliken, Secrest, Slack, Sleeth, Teegarden, Washburn and Winsteadley.

The question being on the adoption of the fourth amendment proposed by the committee,

Mr. Slack moved to reconsider the vote rejecting the amendment proposed by Mr. Brugh to the first amendment of the committee.

Which was decided in the negative—ayes 14, noes 31.

The ayes and noes were demanded by Messrs. Slack and Brugh.

*Those who voted in the affirmative were,*

Messrs. Brugh, Cravens, Goodman, Hatfield, Hester, Hickman, Hicks, Kinnard, Marshall, Niblack, Slack, Spann, Winsteadley and Witherow.

*Those who voted in the negative were,*

Messrs. Alexander, Allen, Athon, Berry, Crawford, Dawson, De-

freese, Delevan, Dougherty, Dunn, Eddy, Henton, Holloway, Hunt, James, Kendall, Knowlton, Logan, Longshore, McCarty, Mickle, Miller, Milliken, Odell, Reid, Secrest, Sleeth, Teegarden, Turman, Walker and Washburn.

Mr. Reid moved to amend the amendment as follows:

Detach Randolph from the first and place it in the second; also detach Bartholomew from the second and place it in the third district.

Which was decided in the negative.

Mr. Cravens moved to lay the bill and pending amendments on the table;

Which motion was decided in the negative—ayes 16, noes 27.

The ayes and noes were demanded by Messrs. Dunn and Athon.

*Those who voted in the affirmative were,*

Messrs. Brugh, Cravens, Dawson, Eddy, Goodman, Hatfield, Hester, Holloway, Kinnard, Knowlton, Mickle, Miller, Secrest, Teegarden, and Winstandley.

*Those who voted in the negative were,*

Messrs. Alexander, Allen, Athon, Berry, Crawford, Defrees, Delevan, Dougherty, Dunn, Henton, Hickman, Hicks, James, Kendall, Logan, Longshore, Marshall, McCarty, Niblack, Odell, Reid, Slack, Sleeth, Spann, Turman, Walker, and Witherow.

The question then being, shall the bill be engrossed for a third reading on to-morrow?

It was decided in the affirmative, ayes 26, noes 19.

The ayes and noes were demanded by Messrs. Mickle and Turman.

*Those who voted in the affirmative were,*

Messrs. Alexander, Allen, Athon, Crawford, Defrees, Delevan, Dougherty, Dunn, Eddy, Henton, Hickman, Hicks, James, Kendall, Logan, Longshore, Marshall, McCarty, Niblack, Odell, Reid, Slack, Spann, Turman, Walker, and Witherow.

*Those who voted in the negative were,*

Messrs. Berry, Brugh, Cravens, Dawson, Goodman, Hatfield, Hes-

ter, Holloway, Hunt, Kinnard, Knowlton, Mickle, Miller, Milliken, Secrest, Sleeth, Teegarden, Washburn, and Winstandley.

On motion by Mr. Secrest,  
Leave of absence was granted to Mr. Saffer.

House bill No. 12 was then taken up.

The question being on the adoption of the amendment proposed by Mr. Hanna,

Mr. Slack moved to amend the amendment as follows:

Add a section after the 2d as follows:

SEC. —. It shall be the duty of the prosecuting attorney, whenever a complaint is made to him of the commission of any offence, to duly present the same, and endorse upon said presentment at whose instance the same is made; and should said prosecution not be sustained, said complaining witness shall, at the discretion of the court or jury trying the same, be liable for all costs which may accrue therein.

Mr. Mickle moved a call of the Senate;  
Which was ordered, and the absentees sent for.

Mr. McCarty moved to suspend the further call of the Senate;  
Which was agreed to.

On motion by Mr. McCarty,

The order of business was suspended; when, on leave,  
He presented the petition of the Hon. Wm. W. Wick, together with a petition from Honorable members of the Bar of Marion county, relative to the duties performed by the judge of the 5th judicial circuit.

When

Mr. Secrest offered the following resolution:

*Resolved*, That the petition of the judge of the 5th judicial circuit, and the petition of the members of the bar of Indianapolis, be referred to the committee on the organization of courts, with instructions to prepare and report a bill reducing the fifth circuit, so that the terms of the courts therein shall not extend beyond thirty weeks in each year, and to take effect from and after its passage.

Which was adopted.

Mr. Hester moved to further suspend the order of business.

Mr. Dunn moved to lay the motion on the table.

Mr. Hester moved a call of the Senate;

Which was ordered, and the absentees sent for.

On motion by Mr. Delevan,

The further call was suspended.



Mr. Delevan moved to take from the table Senate bill No. 72.

Mr. Dunn moved to lay the motion on the table.

Which motion prevailed.

Mr. Hester moved a call of the Senate;

Which was decided in the negative.

The question then being on the adoption of the amendment to the amendment to House bill No. 12,

It was decided in the negative. Ayes 20; noes 24.

The ayes and noes were demanded by Messrs. Slack and Athon.

*Those who voted in the affirmative were,*

Messrs. Allen, Athon, Berry, Brugh, Dawson, Delevan, Goodman, Hatfield, Hester, Hickman, Kinnard, Knowlton, Longshore, Mickle, Slack, Sleeth, Spann, Turman, Walker, and Washburn.

*Those who voted in the negative were,*

Messrs. Alexander, Cravens, Crawford, Defrees, Dougherty, Dunn, Eddy, Henton, Hicks, Holloway, Hunt, James, Kendall, Logan, Marshall, McCarty, Miller, Milliken, Niblack, Odell, Reid, Secrest, Teegarden, and Witherow.

The question then recurring on the adoption of the amendment, proposed by Mr. Hanna.

It was decided in the negative—ayes 19, noes 27.

The ayes and noes were demanded by Messrs. Mickle and Athon.

*Those who voted in the affirmative were,*

Messrs. Berry, Brugh, Defrees, Delevan, Goodman, Hatfield, Hester, Hickman, Kinnard, Knowlton, Longshore, Mickle, Miller, Slack, Sleeth, Spann, Turman, Walker and Washburn.

*Those who voted in the negative were,*

Messrs. Alexander, Allen, Athon, Cravens, Crawford, Davis, Dawson, Dougherty, Dunn, Eddy, Henton, Hicks, Holloway, Hunt, James, Kendall, Logan, Marshall, McCarty, Milliken, Niblack, Odell, Reid, Secrest, Teegarden, Winstandley and Witherow.

The question then being "shall the bill be ordered to a third reading."

Mr. Milliken moved to reconsider the vote refusing to strike out "six" in the first section.

Which was decided in the affirmative—ayes 26, noes 21.

The ayes and noes were demanded by Messrs. Milliken and Marshall.

*Those who voted in the affirmative were,*

Messrs. Alexander, Allen, Athon, Crawford, Davis, Dawson, De-frees, Dougherty, Dunn, Eddy, Henton, Hicks, Holloway, James, Kendall, Logan, Marshall, McCarty, Milliken, Niblack, Odell, Secrest, Spann, Teegarden, Winstandley and Witherow.

*Those who voted in the negative were,*

Messrs. Berry, Brugh, Cravens, Delevan, Goodman, Hanna, Hatfield, Hester, Hickman, Hunt, Kinnard, Knowlton, Longshore, Mickle, Miller, Reid, Slack, Sleeth, Turman, Walker and Washburn.

The question then recurring on striking out,  
It was decided in the affirmative—ayes 25, noes 21.

The ayes and noes were demanded by Messrs. Milliken and Marshall.

*Those who voted in the affirmative were,*

Messrs. Alexander, Allen, Athon, Crawford, Davis, Dawson, De-frees, Dougherty, Dunn, Eddy, Henton, Hicks, Holloway, James, Kendall, Logan, Marshall, McCarty, Milliken, Niblack, Odell, Reid, Secrest, Teegarden, Winstandley, and Witherow.

*Those who voted in the negative were,*

Messrs. Berry, Brugh, Cravens, Delevan, Goodman, Hanna, Hatfield, Hester, Hickman, Hunt, Kinnard, Knowlton, Longshore, Mickle, Miller, Slack, Sleeth, Spann, Turman, Walker, and Washburn.

The question then being on filling the blank with the words, "not more than 18 nor less than 15,"

It was decided in the negative; ayes 13, noes 32.

The ayes and noes were demanded by Messrs. Mickle and Dunn.

*Those who voted in the affirmative were,*

Messrs. Athon, Crawford, Dawson, Dunn, Henton, Holloway, James, Kendall, Logan, Marshall, McCarty, Niblack, and Secrest.

*Those who voted in the negative were,*

Messrs. Alexander, Allen, Berry, Brugh, Crawford, Davis, Defrees, Delevan, Dougherty, Eddy, Goodman, Hanna, Hatfield, Hester, Hickman, Hicks, Hunt, Kinnard, Knowlton, Longshore, Mickle, Milliken, Odell, Reid, Slack, Spann, Teegarden, Turman, Walker, Washburn, Winstandley, and Witherow.

Mr. Dunn moved to fill the blank with "not less than 14 nor more than 17."

Which was decided in the negative; ayes 14, noes 32.

The ayes and noes were demanded by Messrs. Cravens and Dunn.

*Those who voted in the affirmative were,*

Messrs. Athon, Crawford, Davis, Dawson, Dunn, Henton, Holloway, James, Kendall, Logan, Marshall, McCarty, Niblack, Secrest, and Teegarden.

*Those who voted in the negative were,*

Messrs. Alexander, Allen, Berry, Brugh, Cravens, Defrees, Delevan, Dougherty, Eddy, Goodman, Hanna, Hatfield, Hester, Hickman, Hicks, Hunt, Kinnard, Knowlton, Longshore, Mickle, Miller, Milliken, Odell, Reid, Slack, Sleeth, Spann, Turman, Walker, Washburn, Winstandley, and Witherow.

Mr. Cravens moved to amend by inserting in the blank, "not less than 13 nor more than 15."

Mr. Dunn moved to amend the amendment by inserting, "not less than 14, nor more than 16,"

Which was decided in the negative; ayes 22, noes 25.

The ayes and noes were demanded by Messrs Athon and Berry.

*Those who voted in the affirmative were,*

Messrs. Alexander, Athon, Crawford, Davis, Dawson, Defrees, Dougherty, Dunn, Eddy, Henton, Holloway, James, Kendall, Logan, Marshall, McCarty, Milliken, Niblack, Odell, Secrest, Teegarden, and Witherow.

*Those who voted in the negative were,*

Messrs. Allen, Berry, Brugh, Cravens, Delevan, Goodman, Hanna, Hatfield, Hester, Hickman, Hicks, Hunt, Kinnard, Knowlton, Long-

shore, Mickle, Miller, Reid, Slack, Sleeth, Spann, Turman, Walker, Washburn and Winstandley.

The question then recurring on the motion to amend by inserting in the blank "not less than 13, nor more than 15,"

It was decided in the negative—ayes 22, noes 24.

The ayes and noes were demanded by Messrs. Mickle and Berry.

*Those who voted in the affirmative were,*

Messrs. Alexander, Athon, Cravens, Crawford, Dawson, Dougherty, Dunn, Eddy, Henton, Holloway, James, Kendall, Logan, Marshall, McCarty, Miller, Milliken, Niblack, Odell, Secrest, Winstandley and Witherow.

*Those who voted in the negative were,*

Messrs. Allen, Berry, Brugh, Defrees, Delevan, Goodman, Hanna, Hatfield, Hester, Hickman, Hicks, Hunt, Kinnard, Knowlton, Longshore, Mickle, Reid, Slack, Sleeth, Spann, Teegarden, Turman, Walker and Washburn.

Mr. Milliken moved to amend by inserting "not less than nine, nor more than thirteen."

Mr. Hanna moved to lay the bill and pending amendments on the table.

Which was decided in the negative—ayes 22, noes 24.

The ayes and noes were demanded by Messrs. Berry and Dunn.

*Those who voted in the affirmative were,*

Messrs. Alexander, Allen, Brugh, Davis, Delevan, Dougherty, Dunn, Goodman, Hanna, Henton, Hester, Hickman, Hicks, James, Kinnard, Longshore, Miller, Niblack, Slack, Spann, Turman and Washburn.

*Those who voted in the negative were,*

Messrs. Athon, Berry, Cravens, Crawford, Dawson, Defrees, Eddy, Hatfield, Holloway, Hunt, Kendall, Knowlton, Logan, Marshall, McCarty, Mickle, Milliken, Odell, Reid, Secrest, Sleeth, Teegarden, Walker, Winstandley and Witherow.

The question then recurring on amending by inserting "not less than 9, nor more than 13,"

It was decided in the negative—ayes 11, noes 33.

The ayes and noes were demanded by Messrs. Hester and Mickle.

*Those who voted in the affirmative were,*

Messrs. Athon, Berry, Eddy, Goodman, Hester, Hicks, Kendall, Mickle, Miller, Turman, and Winstandley.

*Those who voted in the negative were,*

Messrs. Alexander, Allen, Brugh, Cravens, Crawford, Davis, Dawson, Defrees, Delevan, Dougherty, Dunn, Hanna, Hatfield, Hickman, Holloway, Hunt, James, Kinnard, Knowlton, Logan, Longshore, Marshall, McCarty, Milliken, Niblack, Odell, Reid, Secrest, Slack, Sleeth, Spann, Teegarden, Walker, Washburn, and Witherow.

Mr. Sleeth moved to amend by inserting “not less than 6, nor more than 9.”

Which motion did not prevail.

Mr. Dunn moved to amend by inserting “not less than 14, nor more than 19.”

Which was decided in the negative. Ayes 13; noes 33.

The ayes and noes were demanded by Messrs. Hester and Mickle.

*Those who voted in the affirmative were,*

Messrs. Crawford, Davis, Dougherty, Dunn, Eddy, Henton, Holloway, James, Kendall, Logan, Marshall, McCarty, Niblack, and Secrest.

*Those who voted in the negative were,*

Messrs. Alexander, Allen, Athon, Berry, Brugh, Cravens, Dawson, Defrees, Delevan, Goodman, Hanna, Hatfield, Hester, Hickman, Hicks, Hunt, Kinnard, Knowlton, Longshore, Mickle, Miller, Milliken, Odell, Reid, Slack, Sleeth, Spann, Teegarden, Turman, Walker, Washburn, Winstandley, and Witherow.

Mr. Secrest moved to indefinitely postpone the bill and pending amendments,

Which was decided in the negative. Ayes 16; noes 31.

The ayes and noes were demanded by Messrs. Berry and Mickle.

*Those who voted in the affirmative were,*

Messrs. Athon, Crawford, Davis, Dawson, Dougherty, Dunn, Eddy,

Henton, Hicks, James, Kendall, Logan, McCarty, Niblack, Secrest, and Washburn.

*Those who voted in the negative were,*

Messrs. Alexander, Allen, Berry, Brugh, Cravens, Defrees, Delevan, Goodman, Hanna, Hatfield, Hester, Hickman, Holloway, Hunt, Kinnard, Knowlton, Longshore, Marshall, Mickle, Miller, Milliken, Odell, Reid, Slack, Sleeth, Spann, Teegarden, Turman, Walker, Winstandley, and Witherow.

Mr. Milliken moved to amend by inserting "not less than 11, nor more than 13."

Mr. Marshall moved to amend the amendment by inserting "not less than 12, nor more than 15."

Mr. Turman moved to adjourn.

Which was not agreed to.

Mr. Alexander moved to lay the bill and pending amendments on the table;

Which was decided in the negative. Ayes 14; noes 33.

The ayes and noes were demanded by Messrs. Berry and Milliken.

*Those who voted in the affirmative were,*

Messrs. Alexander, Brugh, Davis, Hanna, Hester, Hickman, Hicks, James, Longshore, Miller, Slack, Spann, Turman, and Washburn.

*Those who voted in the negative were,*

Messrs. Allen, Athon, Berry, Cravens, Crawford, Dawson, Defrees, Delevan, Dougherty, Dunn, Eddy, Goodman, Hatfield, Henton, Holloway, Hunt, Kendall, Kinnard, Knowlton, Logan, Marsnall, McCarty, Mickle, Milliken, Niblack, Odell, Reid, Secrest, Sleeth, Teegarden, Walker, Winstandley, and Witherow.

Mr. Reid moved to refer the bill to a select committee of five.

Mr. Dawson moved to amend so as to refer it to a committee of one from each judicial circuit;

Which was not agreed to.

The question recurring on the motion to refer to a select committee of five,

It was decided in the negative.

The question then recurring on the amendment to the amendment, being to insert "not less than 12, nor more than 15,"

It was decided in the negative—ayes 22, noes 24.

The ayes and noes were demanded by Messrs. Mickle and Hester

*Those who voted in the affirmative were,*

Messrs. Alexander, Athon, Cravens, Crawford, Davis, Dougherty, Dunn, Henton, Holloway, James, Kendall, Logan, Marshall, McCarty, Milliken, Niblack, Odell, Reid, Secrest, Teegarden, Winstandley, and Witherow.

*Those who voted in the negative were,*

Messrs. Allen, Berry, Brugh, Defrees, Delevan, Eddy, Goodman, Hanna, Hatfield, Hester, Hickman, Hicks, Hunt, Kinnard, Knowlton, Longshore, Mickle, Miller, Slack, Sleeth, Spann, Turman, Walker, and Washburn.

The question then recurring on the motion to amend by inserting "not less than eleven nor more than thirteen,"

It was decided in the negative; ayes 13, noes 34.

The ayes and noes were demanded by Messrs. Hester and Mickle.

*Those who voted in the affirmative were,*

Messrs. Davis, Dawson, Defrees, Dougherty, Eddy, Henton, Kendall, Marshall, McCarty, Miller, Milliken, Odell, and Winstandley.

*Those who voted in the negative were,*

Messrs. Alexander, Allen, Athon, Berry, Brugh, Cravens, Crawford, Delevan, Dunn, Goodman, Hanna, Hatfield, Hester, Hickman, Hicks, Holloway, Hunt, James, Kinnard, Knowlton, Logan, Longshore, Mickle, Niblack, Reid, Secrest, Slack, Sleeth, Spann, Teegarden, Turman, Walker, Washburn, and Witherow.

Mr. Cravens moved to amend by inserting "not less than seven, nor more than eleven;"

Which was decided in the negative. Ayes 9; noes 38.

The ayes and noes were demanded by Messrs. Dunn and Marshall.

*Those who voted in the affirmative were,*

Messrs. Cravens, Davis, Dawson, Eddy, Hicks, Hunt, Logan, Miller, and Winstandley.

*Those who voted in the negative were,*

Messrs. Alexander, Allen, Athon, Berry, Brugh, Crawford, Defrees, Delevan, Dougherty, Dunn, Goodman, Hanna, Hatfield, Henton, Hester, Hickman, Holloway, James, Kendall, Kinnard, Knowlton, Longshore, Marshall, McCarty, Mickle, Milliken, Niblack, Odell, Reid, Secrest, Slack, Sleeth, Spann, Teegarden, Turman, Walker, Washburn, and Witherow.

Mr. Dawson moved to amend by inserting "twelve,"

Which was decided in the negative; ayes 18, noes 28.

The ayes and noes were demanded by Messrs. Slack and Mickle.

*Those who voted in the affirmative were,*

Messrs. Alexander, Davis, Dawson, Eddy, Hanna, Hester, Hunt, James, Kendall, Knowlton, Marshall, McCarty, Miller, Milliken, Reid, Turman, Winstandley, and Witherow.

*Those who voted in the negative were,*

Messrs. Allen, Athon, Berry, Brugh, Cravens, Crawford, Defrees, Delevan, Dougherty, Dunn, Goodman, Hatfield, Henton, Hicks, Holloway, Kinnard, Logan, Longshore, Mickle, Niblack, Odell, Secrest, Slack, Sleeth, Spann, Teegarden, Walker, and Washburn.

Mr. Defrees moved to amend by inserting "not less than eight nor more than twelve."

Mr. Spann moved to adjourn.

Which motion did not prevail.

The question recurring on the motion to insert "not less than eight nor more than twelve,"

It was decided in the negative; ayes 10, noes 35.

The ayes and noes were demanded by Messrs. Eddy and Hester.

*Those who voted in the affirmative were,*

Messrs. Cravens, Davis, Dawson, Defrees, Eddy, Hicks, Hunt, Miller, Reid, and Winstandley.

*Those who voted in the negative were,*

Messrs. Alexander, Allen, Athon, Berry, Brugh, Crawford, Delevan, Dougherty, Dunn, Goodman, Hanna, Hatfield, Henton, Hester, Holloway, James, Kendall, Kinnard, Knowlton, Logan, Marshall,



McCarty, Mickle, Milliken, Niblack, Odell, Secrest, Slack, Sleeth, Spann, Teegarden, Turman, Walker, Washburn, and Witherow.

Mr. Delevan moved to lay the bill and pending amendments on the table.

Which motion prevailed.

When,

On motion by Mr. Reid,

The Senate adjourned.

FRIDAY MORNING, }  
February 13, 1852. }

The Senate met.

The Journal of yesterday was read.

#### PETITIONS.

Mr. Niblack presented the petition of sundry citizens of this State on the subject of temperance;

Which,

On motion,

Was referred to the committee on Temperance.

Mr. Miller asked to be excused from serving on the committee on Roads.

Which was granted.

#### RESOLUTIONS.

Mr. Teegarden offered the following resolution:

**WHEREAS**, The room occupied for the State Library is the property of the State, and as such it is used for the protection and safety of books and rare specimens that have been placed there:

**AND, WHEREAS**, That little animal called the mouse has taken up

his abode there, and by sumptuous living has been enabled to propagate his species to such an extent that the specimens of agriculture placed there are like to be inadequate to supply their demand; and to prevent the destruction of books and other valuable property: Therefore, be it

*Resolved*, That the committee on the State Library be instructed to inquire into and report to the Senate whether there cannot be some effectual means adopted to remedy this evil.

Which was adopted.

On motion by Mr. Eddy,

The resolution instructing the committee on Swamp Lands to establish Land Offices for the entry of Swamp Lands, was taken from the table.

The question being on the adoption of the resolution,  
Mr. Mickle moved to amend as follows:

Strike out from the resolving clause and insert the following—

That the committee on Swamp Lands be instructed to report a bill authorizing county auditors and treasurers to sell the swamp lands in their several counties.

Which was decided in the affirmative—ayes 26, noes 15.

The ayes and noes were demanded by Messrs. Eddy and Kendall.

*Those who voted in the affirmative were,*

Messrs. Athon, Brugh, Crawford, Defrees, Delevan, Dunn, Goodman, Hatfield, Hicks, Hunt, Kinnard, Knowlton, Longshore, Marshall, McCarty, Mickle, Miller, Niblack, Odell, Reid, Slack, Spann, Teegarden, Turman, Walker, and Washburn.

*Those who voted in the negative were,*

Messrs. Alexander, Berry, Cravens, Dougherty, Eddy, Hanna, Henton, Hester, Hickman, Holloway, James, Kendall, Secrest, Sleeth, and Witherow.

The question being on the adoption of the resolution as amended,  
It was decided in the affirmative.

## ORDERS OF THE DAY.

*House bills on third reading.*

No. 122. A bill to provide for the organization of county boards, and defining their powers and duties;

Was read a third time, and,

On motion,

Was recommitted to the committee on County and Township Business.

## SENATE BILLS ON THIRD READING.

No. 69. A joint resolution on the subject of emigration to Oregon and the Pacific coast;

Was read a third time and passed—ayes 39, noes 0.

*Those who voted in the affirmative were,*

Messrs. Alexander, Athon, Berry, Brugh, Cravens, Crawford, Davis, Dawson, Defrees, Delevan, Dunn, Eddy, Goodman, Hatfield, Henton, Hester, Hickman, Hicks, Holloway, Hunt, James, Kendall, Kinnard, Knowlton, Logan, Longshore, Marshall, McCarty, Mickle, Niblack, Reid, Secrest, Slack, Sleeth, Spann, Turman, Walker, Washburn, and Witherow.

No. 47. A bill districting the State for the election of three Supreme Judges;

Was read a third time; and

The question being, shall the bill pass?

It was decided in the affirmative—ayes 27, noes 16.

*Those who voted in the affirmative were,*

Messrs. Alexander, Athon, Brugh, Crawford, Davis, Defrees, Delevan, Dunn, Henton, Hicks, James, Kendall, Knowlton, Logan, Longshore, Marshall, McCarty, Niblack, Odell, Secrest, Slack, Sleeth, Spann, Teegarden, Turman, Walker and Witherow.

*Those who voted in the negative were,*

Messrs. Berry, Cravens, Dawson, Dougherty, Eddy, Goodman, Hatfield, Hester, Hickman, Holloway, Kinnard, Mickle, Miller, Reid, Washburn and Winstandley.

## BILLS ON THEIR SECOND READING.

House bill No. 91. A bill to repeal an act entitled "An act to create a school district in Marshall county," approved February 13, 1851;

Was read a second time, and,

On motion by Mr. Mickle,  
Referred to the committee on Education.

Senate bill No. 70. A bill providing for the colonization of negroes and mulattoes and their descendants, constituting a State Board of Colonization, declaring the duties of said board, and the State Treasurer and county treasurers in relation thereto;

Was read a second time, when

Mr. McCarty submitted the following amendments to the bill:

1st. Amend section second, in the last line, after the word rights, "and that all colored persons that have heretofore been sent to Liberia from this State, by any colonization society, shall each be entitled to a certificate entitling them to one hundred acres of land within the territory so purchased."

2d. Amend section 4 by adding in the 4th line, after the word "offered," the following: "and take charge of all bequests, by will or otherwise, of real estate or any assets whatever, and in case of such bequests other than money, the board of county commissioners are hereby made a board of council in reference to such bequests, and shall instruct the said treasurers to take such steps as in their judgment will make the assets bring the most money, and as converted to pay over to the State Treasurer as heretofore provided."

3d. Strike out section —.

Mr. Secrest moved a division of the question.

And the question being put on the adoption of the amendment to the 2d section,

It was decided in the affirmative—ayes 38, noes 8.

The ayes and noes were demanded by Messrs. Miller and Dawson.

*Those who voted in the affirmative were,*

Messrs. Alexander, Brugh, Cravens, Crawford, Davis, Defrees, Delvan, Dunn, Eddy, Hanna, Hatfield, Henton, Hester, Hickman, Holloway, Hunt, Kendall, Kinnard, Knowlton, Logan, Longshore, Marshall, McCarty, Mickle, Niblack, Odell, Reid, Secrest, Slack, Sleeth, Spann, Teegarden, Turman, Walker, Washburn, Winstandley and Witherow.

*Those who voted in the negative were,*

Messrs. Athon, Berry, Dawson, Dougherty, Goodman, Hicks, James, and Miller.

The question was then put on the adoption of the second amendment, and agreed to.

Mr. Spann then submitted the following amendment to the original bill, viz:

Insert in the proper place the words "not less than ten nor more than."

Which was not agreed to.

The question then being on the adoption of the third amendment.

Mr. Eddy submitted the following amendment to the amendment:

Insert in the proper place "no negro or mulatto shall come into, or settle in the State, and contracts made with any negro or mulatto coming into the State, contrary to the provisions of the constitution of the State and of this act, shall be void; and any person who shall employ such negro or mulatto or otherwise encourage him to remain in the State, shall be fined in any sum not less than ten dollars nor more than one hundred dollars."

When,

On motion by Mr. Mickle,  
The Senate adjourned.

2 o'clock, P. M.

The Senate met.

The special order of the day, House bill No. 115, a bill to exempt property from execution in certain cases, was taken up.

Mr. Holloway moved a call of the Senate.

Which was ordered.

The absentees were sent for.

Mr. Hester moved to suspend the call.

Which motion did not prevail.

Mr. Spann moved a suspension of the call.

Which was decided in the negative.

On motion by Mr. Secrest,  
The call was suspended.

On motion by Mr. Secrest,  
The order of business was suspended, when he submitted the following report:

**MR. PRESIDENT:**

The committee on the Organization of Courts, to whom was referred the petition of the judge of the fifth judicial circuit, and certain members of the bar, on the subject of the courts in said judicial circuit, have had that subject under consideration, and have directed me to report the following bill to the Senate and recommend its passage:

No. 80. A bill to approximate an equalization of the labors of the judges of the first, fifth, and thirteenth judicial circuits.

Which was read a first time and passed to a second reading.

Mr. Secrest moved to suspend the rule and read the bill a second time now;

And the question being put;

It was decided in the affirmative. Ayes 37; noes 4.

*Those who voted in the affirmative were,*

Messrs. Alexander, Athon, Berry, Brugh, Crawford, Dawson, De-frees, Delevan, Dougherty, Dunn, Goodman, Hatfield, Henton, Hester, Hickman, Hicks, Holloway, Hunt, James, Kendall, Kinnard, Knowlton, Logan, Longshore, Marshall, McCarty, Mickle, Niblack, Odell, Secrest, Slack, Sleeth, Spann, Turman, Walker, Washburn, and Witherow.

*Those who voted in the negative were,*

Messrs. Cravens, Eddy, Miller, and Teegarden.

The bill was then read a second time, when,

Mr. Secrest moved to further suspend the rules and read the bill a third time now;

Which was decided in the affirmative. Ayes 38; noes 4.

*Those who voted in the affirmative were,*

Messrs. Alexander, Athon, Berry, Crawford, Davis, Dawson, Del-

evan, Dougherty, Dunn, Goodman, Hatfield, Henton, Hester, Hickman, Hicks, Holloway, Hunt, James, Kendall, Kinnard, Knowlton, Logan, Longshore, Marshall, McCarty, Mickle, Miller, Niblack, Odell, Secrest, Slack, Sleeth, Spann, Turman, Walker, Washburn, and Witherow.

*Those who voted in the negative were,*

Messrs. Cravens, Defrees, Eddy, and Teegarden.

The bill was considered as engrossed, and read a third time, and the question being, shall the bill pass?

It was decided in the affirmative; ayes 38, noes 2.

*Those who voted in the affirmative were,*

Messrs. Alexander, Athon, Berry, Brugh, Cravens, Crawford, Davis, Dawson, Delevan, Dougherty, Dunn, Goodman, Hanna, Hatfield, Henton, Hester, Hickman, Hicks, Holloway, Hunt, James, Kendall, Kinnard, Knowlton, Logan, Longshore, Marshall, McCarty, Mickle, Miller, Milliken, Niblack, Odell, Secrest, Slack, Sleeth, Spann, Teegarden, Walker, Washburn, and Witherow.

*Those who voted in the negative were,*

Messrs. Mickle and Turman.

The consideration of the special order, House bill 115,  
Was then resumed.

The question being, Shall the bill be ordered to a third reading?

Mr. Cravens moved to amend the bill by striking out \$300, and inserting \$150.

Mr. Secrest moved to lay the amendment on the table.

Which was decided in the affirmative. Ayes 25; noes 19.

The ayes and noes were demanded by Messrs. Cravens and Alexander.

*Those who voted in the affirmative were,*

Messrs. Crawford, Dawson, Defrees, Delevan, Dougherty, Eddy, Goodman, Henton, Hester, Hickman, Holloway, Hunt, Kendall, Kinnard, Longshore, McCarty, Mickle, Reid, Secrest, Slack, Sleeth, Spann, Teegarden, Turman, and Walker.

*Those who voted in the negative were,*

Messrs. Alexander, Athon, Berry, Brugh, Cravens, Davis, Dunn, Hanna, Hicks, James, Knowlton, Logan, Marshall, Miller, Niblack, Odell, Washburn, Winstandley, and Witherow.

Mr. Logan moved to amend the bill by striking out \$300, and inserting \$200.

Mr. Kendall moved the previous question;

Which was seconded. Ayes 27; noes 17.

The ayes and noes were demanded by Messrs. Kendall and Slack.

*Those who voted in the affirmative were,*

Messrs. Crawford, Defrees, Delevan, Dougherty, Eddy, Goodman, Hanna, Hatfield, Henton, Hester, Hickman, Holloway, Kendall, Kinnard, Logan, Longshore, McCarty, Mickle, Odell, Reid, Secrest, Slack, Sleeth, Spann, Teegarden, Turman, and Walker.

*Those who voted in the negative were,*

Messrs. Alexander, Athon, Berry, Brugh, Cravens, Dawson, Dunn, Hicks, Hunt, James, Knowlton, Marshall, Miller, Niblack, Washburn, Winstandley, and Witherow.

The main question was then ordered, being, "Will the Senate adopt the amendment?"

Which was decided in the negative. Ayes 19; noes 26.

The ayes and noes were demanded by Messrs. Slack and Reid.

*Those who voted in the affirmative were,*

Messrs. Athon, Berry, Brugh, Cravens, Davis, Dunn, Hanna, Hatfield, Hicks, Hunt, James, Knowlton, Logan, Marshall, Miller, Niblack, Washburn, Winstandley, and Witherow.

*Those who voted in the negative were,*

Messrs. Alexander, Crawford, Dawson, Defrees, Delevan, Dougherty, Eddy, Goodman, Henton, Hester, Hickman, Holloway, Kendall, Kinnard, Longshore, McCarty, Mickle, Odell, Reid, Secrest, Slack, Sleeth, Spann, Teegarden, Turman, and Walker.

The question then being, shall the bill be ordered to a third reading?

It was decided in the affirmative—ayes 27, noes 18.

The ayes and noes were demanded by Messrs. Slack and James.



*Those who voted in the affirmative were,*

Messrs. Crawford, Dawson, Defrees, Delevan, Dougherty, Eddy, Goodman, Hatfield, Henton, Hester, Hickman, Holloway, Kendall, Kinnard, Longshore, McCarty, Mickle, Odell, Reid, Secrest, Slack, Sleeth, Spann, Teegarden, Turman, Walker, and Washburn.

*Those who voted in the negative were,*

Messrs. Alexander, Athon, Berry, Brugh, Cravens, Davis, Dunn, Hanna, Hicks, Hunt, James, Knowlton, Logan, Marshall, Miller, Niblack, Winstandley and Witherow.

The Senate then resumed the consideration of Senate bill No. 70, on the subject of colonization.

Mr. Logan moved to lay the bill on the table.

Which was decided in the negative—ayes 12, noes 33.

The ayes and noes were demanded by Messrs. Logan and Teegarden.

*Those who voted in the affirmative were,*

Messrs. Brugh, Dougherty, Eddy, Hester, Hickman, Hicks, Hunt, Logan, Longshore, Reid, Washburn and Winstandley.

*Those who voted in the negative were,*

Messrs. Alexander, Athon, Berry, Cravens, Crawford, Davis, Dawson, Defrees, Delevan, Dunn, Goodman, Hanna, Hatfield, Henton, Holloway, James, Kendall, Kinnard, Knowlton, Marshall, McCarty, Mickle, Miller, Niblack, Odell, Secrest, Slack, Sleeth, Spann, Teegarden, Turman, Walker and Witherow.

The question then recurring on the adoption of the third amendment, being to strike out the 5th section,

It was decided in the affirmative. Ayes 23; noes 22.

The ayes and noes were demanded by Messrs. Teegarden and Slack.

*Those who voted in the affirmative were,*

Messrs. Athon, Brugh, Cravens, Defrees, Dougherty, Dunn, Hatfield, Henton, Hickman, Hicks, Holloway, Kendall, Kinnard, Knowlton, Logan, Longshore, Marshall, McCarty, Odell, Reid, Teegarden, Winstandley, and Witherow.

*Those who voted in the negative were,*

Messrs. Alexander, Berry, Crawford, Davis, Dawson, Delevan, Eddy, Goodman, Hanna, Hester, Hunt, James, Mickle, Miller, Niblack, Secrest, Slack, Sleeth, Spann, Turman, Walker, and Washburn.

The question then being on the adoption of the amendment to the amendment, being to insert in the proper place the following:

No negro or mulatto shall come into or settle in the State, and contracts made with any negro or mulatto coming into the State contrary to the provisions of the Constitution of the State and of this act, shall be void, and any person who shall employ such negro or mulatto, or otherwise encourage him to remain in the State shall be fined in any sum not less than ten dollars, nor more than one hundred dollars.

Mr. Dunn moved to lay the amendment to the amendment on the table;

Which was decided in the affirmative; ayes 26, noes 16.

The ayes and noes were demanded by Messrs. Berry and Dunn.

*Those who voted in the affirmative were,*

Messrs. Alexander, Athon, Cravens, Crawford, Defrees, Dunn, Goodman, Henton, Hatfield, Hester, Hickman, Hicks, Holloway, Kendall, Kinnard, Knowlton, Logan, Longshore, Marshall, McCarty, Niblack, Odell, Reid, Teegarden, Winstandley and Witherow.

*Those who voted in the negative were,*

Messrs. Berry, Dawson, Delevan, Dougherty, Eddy, Hanna, Hunt, Mickle, Miller, Secrest, Slack, Sleeth, Spann, Turman, Walker, and Washburn.

On motion by Mr. Dunn;

The third section of the bill was amended in the proper place to read "Indiana colony."

On motion by Mr. Dunn,

The first section of the bill was amended by striking out so much thereof as relates to the fifth section.

The question then being, shall the bill be engrossed for a third reading?

It was decided in the affirmative—ayes 34, noes 11.

The ayes and noes were demanded by Messrs. Berry and Goodman.

*Those who voted in the affirmative were,*

Messrs. Alexander, Athon, Brugh, Cravens, Crawford, Davis, Defrees, Delevan, Dougherty, Dunn, Eddy, Hatfield, Henton, Hester, Holloway, Hunt, Kendall, Kinnard, Knowlton, Longshore, Marshall, McCarty, Mickle, Niblack, Odell, Secrest, Sleeth, Spann, Teegarden, Turman, Walker, Washburn, Winstandley, and Witherow.

*Those who voted in the negative were,*

Messrs. Berry, Dawson, Goodman, Hanna, Hickman, Hicks, James, Logan, Miller, Reid, and Slack.

Mr. Goodman moved that the Senate adjourn;  
Which motion did not prevail.

#### SENATE BILLS ON THEIR SECOND READING.

No. 71. A bill to amend article 2 of chapter 42 of the Revised Statutes of 1843, concerning liens upon boats and other vessels for construction, repairs and supplies, requiring attachment creditors to file bond and security before the issuing of a warrant of attachment;

Was read a second time by the title; when,

On motion by Mr. Slack,

The bill was referred to the committee on the Judiciary.

No. 75. A bill to encourage education by the incorporation of companies empowered to institute and maintain high schools, academies, colleges, universities, and missionary boards;

Was read a second time by its title; when,

On motion by Mr. Hicks,

It was referred to the committee on Education.

No. 74. A bill authorizing plank road companies to create a sinking fund for the repair of said roads;

Was read a second time by its title.

When,

On motion by Mr. Eddy,

It was referred to the committee on Corporations.

No. 73. A bill to amend an act organizing in each county of this State a probate court, and fixing the salary of the judge thereof.  
Was read a second time by its title.

When,

On motion by Mr. Defrees,

It was referred to the committee on the Organization of Courts of Justice.

No. 72. A bill providing for the assessment of damages against liquor sellers for vending spirituous liquors to an habitual drunkard or minor, and requiring such liquor seller to execute a bond, and providing a penalty for his failing so to do;

Was read a second time; when,

On motion by Mr. Hester,

It was laid on the table.

No. 18. A bill exempting five hundred dollars worth of real estate from execution;

Was read a second time by its title: when,

On motion by Mr. Teegarden,

It was laid on the table.

Message from the House of Representatives, by Mr. Sites, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has concurred in the engrossed amendment of the Senate to engrossed bill of the House,

No. 34. Entitled "An act authorizing recorders to make out general or complete indexes to records of deeds and mortgages, and to procure and use seals.

On motion by Mr. Secrest,

The Senate adjourned.

SATURDAY MORNING, }  
 February 14, 1852. }

The Senate met.

The Journal of yesterday was read.

#### PETITIONS PRESENTED.

By Mr. Henton:

The petition of citizens of this State in relation to lands belonging to half breeds in the Miami Reserve.

Which,

On his motion,

Was referred to the committee on Education.

By Mr. Witherow:

The petition of 68 citizens of Hendricks county relative to swamp lands.

Which,

On his motion,

Was referred to the committee on Swamp Lands.

By Mr. Holloway:

The petition of sundry citizens of this State on the subject of temperance.

Which,

On his motion,

Was laid on the table.

#### REPORTS.

Mr. Spann, from the committee on Military Affairs, submitted the following report:

MR. PRESIDENT:

The committee on Military Affairs, to whom was referred bill of the House No. 89, in relation to the officers and soldiers of Indiana, who served in the war of 1811, 1812 and 1813, and also in the late war with Mexico, have had the same under consideration, and have directed me to report the same back to the Senate without amendment, and recommend its passage.

The accompanying bill was then read second time, and ordered to a third reading.

## RESOLUTIONS.

Mr. Reid offered the following resolution :

*Resolved*, That the committee on Roads be instructed to report a road law at an early day, in which shall be a section allowing farmers and others, owners of the land adjoining public highways, to set their fences along the sides of said highways, for the purpose of planting hedge-fences, and the cultivation of the same, so that the public highways are not unnecessarily obstructed thereby.

Which was adopted.

Mr. Reid moved to add Mr. Miller to the committee on Roads ;  
Which was agreed to.

## BILLS INTRODUCED.

By Mr. Delevan :

No. 81. A bill to repeal section 1 of an act entitled " An act defining the duties of the treasurer of Morgan county ;

Which was read a first time and passed to a second reading.

By Mr. Turman :

No. 82. An act to legalize the appraisement of real estate in the county of Fountain ;

Which was read a first time and passed to a second reading.

## ORDERS OF THE DAY.

*Bills on their third reading.*

Bill of the House, No. 115, a bill to exempt property from execution in certain cases ;

Was read a third time.

When,

Mr. Secrest moved a call of the Senate ;

Which was ordered, and the absentees sent for.

On motion by Mr. Winstandley,  
Leave of absence was granted to Mr. Marshall.

Mr. Reid moved a suspension of the call;

Which motion did not prevail.

Mr. Miller moved to suspend the call;

Which was agreed to.

Mr. Miller then asked leave of absence for the committee on Roads;

Which was granted.

On motion by Mr. Miller,

The call of the Senate was renewed; when

Mr. Secrest moved that the further call be suspended;

Which was decided in the affirmative.

Mr. Cravens moved to recommit the bill with the following instructions:

Insert a provision that "in all cases where the creditor is worth less than the debtor then and in that case, the debtor shall not be entitled to the provisions of this act."

Mr. Secrest moved the previous question.

Which was not seconded.

Mr. Slack moved to lay the motion to recommit with instructions on the table;

Which was decided in the affirmative. Ayes 23; noes 16.

The ayes and noes were demanded by Messrs. Cravens and Secrest.

*Those who voted in the affirmative were,*

Messrs. Crawford, Dawson, Defrees, Delevan, Eddy, Goodman, Henton, Hester, Hickman, Holloway, Kendall, Kinnard, Longshore, McCarty, Mickle, Odell, Reid, Secrest, Slack, Spann, Teegarden, Turman, and Walker.

*Those who voted in the negative were,*

Messrs. Alexander, Athon, Berry, Brugh, Cravens, Davis, Hanna, Hicks, Hunt, James, Knowlton, Logan, Niblack, Washburn, Windstandley, and Witherow.

Mr. Cravens moved to recommit the bill to the committee on the Judiciary, with the following instructions:

Amend by adding the following section—

SEC. — That in all cases where the debtor claims and obtains the provisions of this act, the creditor shall have power to file his claim with the board of county commissioners, and on proof of the validity thereof, the board doing county business shall give an order on the

county treasurer, signed by the auditor of the county, for the amount due; and the county treasurer shall pay the same out of any money that may be in his hands at any time belonging to the State, and the receipt for the same shall be acknowledged by the Treasurer of State in his settlement with the county treasurer.

Mr. Secrest moved to lay the motion and instructions on the table; Which was decided in the affirmative—ayes 35, noes 5.

The ayes and noes were demanded by Messrs. Cravens and Goodman.

*Those who voted in the affirmative were,*

Messrs. Athon, Berry, Crawford, Dawson, Defrees, Delevan, Eddy, Goodman, Hatfield, Henton, Hester, Hickman, Hicks, Holloway, Hunt, Kendall, Kinnard, Knowlton, Logan, Longshore, McCarty, Mickle, Miller, Niblack, Odell, Reid, Secrest, Slack, Sleeth, Spann, Teegarden, Turman, Walker, Washburn, Winstandley, and Witherow.

*Those who voted in the negative were,*

Messrs. Alexander, Brugh, Cravens, and James.

The question being, Shall the bill pass?

It was decided in the affirmative—ayes 26, noes 14.

*Those who voted in the affirmative were,*

Messrs. Crawford, Dawson, Defrees, Delevan, Eddy, Goodman, Hatfield, Henton, Hester, Hickman, Holloway, Kendall, Kinnard, Logan, Longshore, McCarty, Mickle, Odell, Reid, Secrest, Slack, Sleeth, Spann, Teegarden, Turman, and Walker.

*Those who voted in the negative were,*

Messrs. Alexander, Athon, Berry, Brugh, Cravens, Hanna, Hicks, Hunt, James, Knowlton, Niblack, Washburn, Winstandley, and Witherow.

Senate bill No. 70. A bill providing for the colonization of negroes and mulattoes and their descendants, constituting a State board of colonization, declaring the duties of said board, and State Treasurer, and county treasurers relative thereto;

Was read a third time.

The question being, shall the bill pass?

It was decided in the affirmative; ayes 29, noes 12.



*Those who voted in the affirmative were,*

Messrs. Alexander, Athon, Brugh, Cravens, Crawford, Davis, De-frees, Delevan, Dunn, Eddy, Hatfield, Henton, Hester, Hickman, Hol-loway, Hunt, Kendall, Knowlton, Logan, McCarty, Marshall, Mickle, Niblack, Odell, Secrest, Slack, Spann, Teegarden, Turman, Walker, Winstandley, and Witherow.

*Those who voted in the negative were,*

Messrs. Berry, Dawson, Goodman, Hanna, Hickman, James, Kin-nard, Miller, Reid, Sleeth, and Washburn.

#### BILLS ON THEIR SECOND READING.

Senate bill No. 45. A bill to organize the circuit court, and de-fining its powers and jurisdiction ;

Was read a second time by its title ; when,

On motion by Mr. Secrest,

It was laid on the table.

Senate bill No. 76. A bill concerning persons capable of acqui-ring, holding, and transferring real estate, and the rights and duties of such persons, the persons qualified, and the mode of conveying the title to or interest in real estate, the manner of giving notice thereof by recording the same, and the duties of recorders in relation thereto, and the construction to be given to, and the force and effect of such deeds and the acknowledgment thereof when offered in evi-dence ; also concerning estates tail, remainders, future estates, chattels real, estates for life, and freeholds, and the accumulation of rents ;

Was read a second time, when,

On motion by Mr. Slack,

It was referred to the committee on the Judiciary.

House bill No. 82. A bill to enable the Madison and Indianapo-lis Railroad Company to avoid the inclined plane at Madison ; to provide for the sale of the interest of the State in said railroad, and to repeal, so far as affects the Madison and Indianapolis Railroad Company, the 55th and 58th sections of the act entitled " an act for the continuance and construction of all or any part of the public works of this State by private companies, and for abolishing the Board of Internal Improvements, and the offices of Fund Commis-sioner and Chief Engineer," approved January 28, 1842 ;

Was read a second time, when,

On motion by Mr. McCarty,

It was referred to the committee on Finance, with the following instructions:

Inquire into the expediency of providing as follows:

Strike out all that relates to selling to others, and provide—

1st. In case the company does not accept, that the Secretary, Auditor, and Treasurer of State prepare stock certificates in shares of \$50 each, to an amount that will relatively represent the interest of the State in said road; and be authorized to dispose of the same in the city of New York for cash on and after the 14th of January, 1853, by such agents, in such sums, and from time to time, as they may deem for the interest of the State; and as fast as practicable invest the proceeds in five or two and a half per cent. bonds of the State, or in both.

2d. That the amount the company may purchase for be fixed in cash, payable in the city of New York, at such place as the Treasurer or Agent of State may notify the President thirty days before it becomes due. At least one-third payable on the 13th of January, 1853; one-third on the 13th of January, 1854; and the remaining third on the 13th January, 1855; all with interest that remains unpaid after the 13th of January, 1853, and the deferred payments secured. Any of such payments may be made in five per cent. bonds of the date at \$83 33 $\frac{1}{3}$  per \$100, or in two and a half per cent.'s at \$41 16 $\frac{2}{3}$  per \$100.

3d. Strike out as to the company giving their 7 per cent. bonds payable in 1867.

Senate bill No. 79. A bill to provide for the appointment of a commissioner to superintend the fencing of the Tippecanoe battle ground;

Was read a second time by its title; when,

On motion by Mr. Hester,

It was referred to the committee on Finance.

Senate bill No. 78. A bill to authorize cities of 5,000 inhabitants or more, to build public houses for their use, purchase and make wharves, furnish water and light, and take stock in roads leading to the same, on the petition of two-thirds of the resident freeholders thereof, and to take stock in companies for lighting and watering the same;

Was read a second time by its title, and referred to the committee on Corporations:

Senate bill No. 77. A joint resolution on the subject of an Agricultural Bureau at Washington City;

Was read a second time, and ordered to be engrossed.

The following message was received from the House of Representatives, by Mr. Sites, their Clerk:

**MR. PRESIDENT:**

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed joint resolution thereof:

No. 23. Entitled "A joint resolution asking the passage of a law by Congress, authorizing the State of Indiana to sell the saline lands that remain unsold at such price as may be deemed right by the General Assembly of the State.

In which the concurrence of the Senate is respectfully requested.

The accompanying joint resolution was read a first time and passed to a second reading.

Also, the following message was received from the House of Representatives, by Mr. Sites, their Clerk:

**MR. PRESIDENT:**

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed joint resolution thereof:

No. 20. Entitled "Joint resolution in relation to the election of United States Senators by the people of the States.

In which the concurrence of the Senate is respectfully requested.

The accompanying joint resolution was read a first time and passed to a second reading.

Also, the following message was received from the House of Representatives, by Mr. Sites, their Clerk.

**MR. PRESIDENT:**

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed joint resolution thereof:

No. 22. Entitled "Joint resolution instructing our Senators and requesting our Representatives in Congress, to use their influence

and exertions to obtain a grant of public lands, to aid in the construction of certain railroads."

In which the concurrence of the Senate is respectfully requested.

The accompanying joint resolution was read a first time and passed to a second reading.

Also, the following message was received from the House by their Clerk, Mr. Sites:

**MR. PRESIDENT:**

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof:

No. 135. Entitled "A bill authorizing county auditors and their deputies to take acknowledgments of deeds, and administer oaths in certain cases."

In which the concurrence of the Senate is respectfully requested.

The accompanying bill was read a first time, and passed to a second reading.

Mr. Secrest moved to suspend the order of business.

Which was agreed to; when

The following message from the House, was taken up:

**MR. PRESIDENT:**

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill of the Senate:

No. 80. Entitled "A bill to approximate an equalization of the labors of the judges of the first, fifth, and thirteenth judicial circuits," with three engrossed amendments.

In which the concurrence of the Senate is respectfully requested.

The question being on concurring in the engrossed amendments of the House;

It was decided in the negative.

Also, the following message:

**MR. PRESIDENT:**

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed joint resolution thereof:

No. 16. Entitled "A joint resolution asking a more liberal construction of the act of Congress of May 9th, 1848."

In which the concurrence of the Senate is respectfully requested.

The accompanying joint resolution was read a first time, and passed to a second reading.

Also, the following message:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof:

No. 48. Entitled "An act to provide for the sale of county seminaries, and the property belonging thereto, and to transfer the proceeds thereof to the common school fund."

In which the concurrence of the Senate is respectfully requested.

The accompanying bill was read a first time, and passed to a second reading.

Also, the following message:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof:

No. 80. Entitled "A bill for the relief of the poor."

In which the concurrence of the Senate is respectfully requested.

The accompanying bill was read a first time and passed to a second reading.

Mr. Reid offered the following resolution:

**WHEREAS**, That on account of the absence and sickness of the President, and the necessity of having some person lawfully authorized to sign all bills, &c., passed by the General Assembly during the absence of said President: be it

**Resolved**, That the Senate proceed instantler to elect, viva voce, a President pro tem., to serve during the present session in the absence of the President.

Which was adopted.

The Senate then proceeded by a viva voce vote to the election of a President pro tem. of the Senate.

*Those who voted for Hon. Samuel S. Mickle were,*

Messrs. Athon, Berry, Cravens, Crawford, Defrees, Delevan, Eddy, Goodman, Hanna, Henton, Hester, Hickman, Hicks, Holloway, Hunt, James, Kendall, Kinnard, Knowlton, Logan, McCarty, Miller, Niblack, Odell, Reid, Secrest, Slack, Sleeth, Spann, Turman, Walker, Washburn, and Winstandley—33.

Hon. Samuel S. Mickle having received 33 votes, the chair declared him duly elected President pro tem. of the Senate, to serve as such during the absence of the President.

Mr. Holloway offered the following resolution :

*Resolved*, That when the Senate adjourns, it will adjourn to meet again on Monday morning next.

Which was adopted.

A message from the House of Representatives by Mr. Sites their Clerk.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House insist on their engrossed amendments to engrossed bill of the Senate, No. 80, entitled, a bill to approximate an equalization of the labors of the judges of the first, fifth, and thirteenth judicial circuits.

Mr. Secrest moved that the Senate insist, and that a committee of free conference be appointed.

Which was agreed to.

The President appointed Messrs. Berry and Secrest a committee of free conference on the part of the Senate.

On motion by Mr. Holloway,

The Senate adjourned.

MONDAY MORNING, }  
February 16, 1852. }

The Senate met.

The Journal of Saturday was read.

Mr. Spann presented the petition of Stockholders of the Columbus Bridge company.

Which,

On his motion,

Was referred to a select committee.

The President appointed Messrs. Spann, Emerson and Athon, said committee.

## REPORTS SUBMITTED.

By Mr. Logan, from the committee on Elections.

MR. PRESIDENT :

The committee on Elections to whom was referred Senate bill No. 65, have had the same under consideration and instructed me to report the same back to the Senate and recommend its passage.

The accompanying bill was read a second time,  
When,

On motion by Mr. Emerson,  
It was laid on the table.  
By Mr. Hunt, from a select committee.

MR. PRESIDENT :

The committee to whom was referred petition No. 1, praying for a State road, have had the same under consideration and directed me to report that in the opinion of the committee, it is unconstitutional to grant the request of the petitioners, and ask to be discharged from the further consideration of the subject.

Which was concurred in.

## RESOLUTIONS.

Mr. Goodman offered the following resolution :

*Resolved*, That a select committee be instructed to report a bill modifying the present grand jury system, which shall contain the following provisions :

*First*. The grand jury shall be composed of 12 members, 9 of whom must agree to find a bill.

*Second*. The jurisdiction of the grand jury shall extend only to felonies and crimes the punishment of which shall be imprisonment, or death ; all crimes punishable by fine, or fine and imprisonment in the county jail shall be termed misdemeanors.

*Third*. Justices of the Peace, shall have original exclusive jurisdiction in all cases of misdemeanors, and shall punish by fine, or fine and imprisonment in the county jail, from whose judgment the defendant shall have the right of appeal to the circuit court, as in civil actions.

*Fourth*. All criminal proceedings instituted before a Justice of the Peace, shall be, on complaint filed on the oath of the complainant

or affirmation or on view without complaint, and in all cases the defendant shall have the right of being tried by a jury, if demanded by him.

Mr. Emerson moved to amend the resolution as follows:

Strike out the figure "9," in the first resolution, and insert the word "all" in lieu thereof.

Which was decided in the negative; ayes 13, noes 25.

The ayes and noes were demanded by Messrs. Reid and Goodman.

*Those who voted in the affirmative were,*

Messrs. Alexander, Defrees, Emerson, Hanna, Hatfield, Hester, Kinnard, Slack, Sleeth, Teegarden, Walker, Washburn, and Winstandley.

*Those who voted in the negative were,*

Messrs. Athon, Berry, Brugh, Cravens, Crawford, Davis, Delevan, Eddy, Goodman, Henton, Hickman, Hicks, Holloway, Hunt, Knowlton, Logan, McCarty, Mickle, Miller, Niblack, Odell, Reid, Secrest, Spann and Witherow.

The question then being on the adoption of the resolution,  
It was decided in the affirmative—ayes 23, noes 14.

The ayes and noes were demanded by Messrs. Knowlton and Holloway.

*Those who voted in the affirmative were,*

Messrs. Brugh, Cravens, Dawson, Defrees, Delevan, Eddy, Goodman, Hanna, Hatfield, Hester, Hickman, Hunt, Kinnard, Knowlton, Mickle, Miller, Reid, Slack, Sleeth, Spann, Teegarden, Walker, and Winstandley.

*Those who voted in the negative were,*

Messrs. Athon, Crawford, Davis, Emerson, Henton, Hicks, Holloway, Logan, McCarty, Niblack, Odell, Secrest, Washburn and Witherow.

Messrs Goodman, Reid and Hester were appointed said committee.



Mr. Hester moved to suspend the order of business and take from the table Senate bill No. 21, and refer it to said committee.

Which was agreed to.

Mr. Emerson asked that the committee on Practice and Pleadings of Courts of Justice and Criminal Law of the State, be discharged from the further consideration of Senate bill No. 19, and instructions, and that the same be recommitted to said select committee.

Which was agreed to.

#### BILLS AND JOINT RESOLUTIONS INTRODUCED.

By Mr. Slack:

No. 83. A joint resolution in relation to the office of chief engineer of the Wabash and Erie canal.

Which was read a first time and passed to a second reading.

By Mr. Emerson:

No. 84. A bill to provide for the election of the Trustees of the Indiana Asylum for educating the deaf and dumb;

Which was read a first time, and passed to a second reading.

By Mr. Slack:

No. 85. A bill regulating the time of holding courts in the 12th judicial circuit, and to regulate the time of empaneling a traverse jury in Allen county.

Which was read a first time and passed to a second reading.

#### ORDERS OF THE DAY.

##### *Bills on their Third Reading.*

Senate Joint Resolution No. 77. A joint resolution on the subject of an Agricultural Bureau at Washington city;

Was read a third time and passed. Ayes 36; noes, none.

*Those who voted in the affirmative were,*

Messrs. Alexander, Athon, Berry, Brugh, Cravens, Crawford, Davis, Dawson, Defrees, Delevan, Emerson, Goodman, Hatfield, Henton, Hester, Hickman, Holloway, Hunt, Kinnard, Knowlton, Logan, McCarty, Mickle, Miller, Niblack, Odell, Reid, Secrest, Slack,

Spann, Teegarden, Turman, Walker, Washburn, Winstandley, and Witherow.

# BILLS ON THEIR SECOND READING.

Senate bill No. 81. A bill to repeal section 1 of an act entitled "an act defining the duties of the treasurer of Morgan county ;"

Was read a second time, and ordered to be engrossed for a third reading.

House bill No. 80. A bill for the relief of the poor ;

Was read a second time by the title ; and,

On motion by Mr. Berry,

Was referred to the committee on County and Township business.

Senate bill No. 82. A bill to legalize the appraisement of real estate in Fountain county, for the year 1851 ;

Was read a second time, and ordered to be engrossed for a third reading.

House bill No. 129. A bill for the recovery of property removed by high water ;

Was read a second time, and ordered to a third reading.

House Joint Resolution No. 23. A joint resolution asking the passage of a law by Congress authorizing the State of Indiana to sell the Saline lands that remain unsold, at such price as may be deemed right by the General Assembly of the State ;

Was read a second time, and ordered to a third reading.

House Joint Resolution No. 22. A joint resolution instructing our Senators, and requesting our Representatives in Congress to use their influence and exertions to obtain a grant of public lands to aid in the construction of certain Rail Roads ;

Was read a second time, and ordered to a third reading.

House Joint Resolution No. 20. A joint resolution in relation to the election of United States Senators by the people of the States ;

Was read a second time ; when

Mr. Logan moved to refer it to the committee on Federal Relations ;

Which was decided in the negative.

Mr. Niblack moved to lay the resolution on the table ;

Which was decided in the affirmative. Ayes 29 ; noes 8.

The ayes and noes were demanded by Messrs. Athon and Emerson.

*Those who voted in the affirmative were,*

Messrs. Alexander, Brugh, Cravens, Crawford, Davis, Delevan, Eddy, Goodman, Hanna, Hester, Hickman, Hicks, Holloway, Hunt, Kinnard, Knowlton, Logan, Mickle, Miller, Niblack, Odell, Reid, Secrest, Slack, Spann, Turman, Walker, Washburn, and Witherow.

*Those who voted in the negative were,*

Messrs. Athon, Dawson, Defrees, Dougherty, Emerson, Henton, McCarty, and Winstandley.

House bill No. 135. A bill authorizing county auditors and their deputies to take acknowledgments of deeds and administrator's oaths in certain cases;

Was read a second time, when

Mr. Emerson moved to amend as follows:

Add the following to the end of the 1st section—

1st. And said auditors shall also be authorized to take acknowledgments of all deeds, mortgages, or other instruments in writing required by law to be acknowledged, and to certify such acknowledgments in the same manner and to the same extent that justices of the peace may do.

2d. Strike out the words "and required" in the 4th and 5th lines.

On motion by Mr. Slack,

Each amendment was considered separately.

Mr. Emerson moved a call of the Senate.

Which was not agreed to.

Mr. Secrest moved to lay the first amendment on the table;

Which was decided in the affirmative—ayes 22, noes 15.

The ayes and noes were demanded by Messrs. Slack and Emerson.

*Those who voted in the affirmative were,*

Messrs. Athon, Berry, Cravens, Crawford, Dawson, Defrees, Delevan, Eddy, Goodman, Hatfield, Henton, Hickman, Holloway, Hunt, Logan, Niblack, Odell, Reid, Secrest, Slack, Walker, and Witherow.

*Those who voted in the negative were,*

Messrs. Brugh, Dougherty, Emerson, Hanna, Hester, Hicks, Kinnard, Knowlton, McCarty, Mickle, Miller, Spann, Turman, Washburn, and Winstandley.

The question then being on the second amendment,  
 It was adopted; whereupon,  
 The amendments were ordered to be engrossed, and the bill ordered to a third reading.

House joint resolution No. 16. A joint resolution asking a more liberal construction of the act of Congress of May 9th, 1848;  
 Was read a second time and ordered to a third reading.

House bill No. 48. A bill to provide for the sale of county seminaries, and the property belonging thereto, and to transfer the proceeds thereof to the common school fund;

Was read a second time by its title; and,  
 On motion by Mr. Winstandley,  
 It was referred to the committee on Education.  
 Message from the House, by Mr. Sites, their Clerk:

**MR. PRESIDENT:**

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof:  
 No. 79, entitled a bill authorizing the construction of plank, McAdamized and gravel roads;  
 In which the concurrence of the Senate is respectfully requested.

The accompanying bill was read a first time and passed to a second reading.

Mr. Emerson moved to take up  
 House bill No. 89. A bill in relation to officers and soldiers in Indiana who served in the war of 1811, 1812, and 1813, and in the war with Mexico;  
 Which was agreed to.

The bill was taken up and read a third time, whereupon  
 Mr. Emerson offered the following amendment:

After the word "Mexico," in the 10th line of the 1st section, insert the words, "and in all other wars since the settlement of the State of Indiana."

Which was unanimously adopted.

The question being, shall the bill pass?  
 It was decided in the affirmative—ayes 32, noes 3.

*Those who voted in the affirmative were,*

Messrs. Athon, Brugh, Cravens, Crawford, Delevan, Dougherty, Eddy, Emerson, Goodman, Hanna, Hatfield, Henton, Hester, Hickman, Hicks, Hunt, Kinnard, Knowlton, Logan, McCarty, Mickle, Miller, Niblack, Odell, Reid, Secrest, Slack, Sleeth, Spann, Turman, Walker, Washburn, Winsteadley, and Witherow.

*Those who voted in the negative were,*

Messrs. Berry, Dawson, and Holloway.

Mr. Emerson moved to amend the title as follows :

Add the folk wing to the end of the title: "and in all other wars since the settlement of the State of Indiana."

Which was agreed to.

Message from the House of Representatives, by Mr. Sites, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has appointed Messrs. Holman and Gibson a committee of free conference to act with the committee appointed on the part of the Senate to adjust the disagreement of the two houses to engrossed amendments of the House to engrossed bill of the Senate No. 80, entitled, a bill to approximate an equalization of the labors of the judges of the first, fifth, and thirteenth judicial circuits.

On motion by Mr. Hatfield,  
The Senate adjourned.

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2 o'clock, P. M.

The Senate met.

The special order of the day,  
Senate bill No. 64. A bill authorizing any company heretofore organized under the provisions of any general or special law of this State, for the purpose of constructing a plank, turnpike, gravel, Mc-

Adamized, or coal road, to construct a railroad instead of such plank, turnpike, gravel, McAdamized, or coal road, and prescribing the manner in which such change may be made ;

Was taken up.

The question being on the adoption of the pending amendment, Mr. Spann moved a call of the Senate.

Which was ordered; when,

On motion by Mr. Slack,

Mr. James was excused on account of sickness.

Mr. Longshore was also excused on account of sickness.

On motion,

The absentees were sent for.

Mr. Miller moved to suspend a further call.

Which was agreed to.

On motion by Mr. Emerson,

The special order of the day was laid on the table.

Mr. Dunn presented the petition of sundry citizens of Indiana on the subject of temperance.

Which,

On his motion,

Was referred to the committee on Temperance.

Mr. Knowlton introduced

No. 86. A bill for the relief of certain tax payers in certain counties of this State;

Which was read a first time, and passed to a second reading.

On motion by Mr. Berry,

No. 10, (of the House.) A joint resolution relating to the harbor at Michigan City;

Was taken from the table and read a second time.

The question being on the pending amendment,

Mr. Secrest moved it be laid on the table.

Which was decided in the affirmative—ayes 24, noes 16.

The ayes and noes were demanded by Messrs. Holloway and Berry.

*Those who voted in the affirmative were,*

Messrs. Alexander, Defrees, Dougherty, Dunn, Eddy, Goodman, Henton, Hester, Hickman, Hicks, Holloway, Kendall, Knowlton, Marshall, McCarty, Mickle, Odell, Reid, Secrest, Sleeth, Spann, Teegarden, Walker and Witherow.

*Those who voted in the negative were,*

Messrs. Berry, Cravens, Crawford, Davis, Dawson, Delevan, Emerson, Hanna, Hatfield, Hunt, Kinnard, Miller, Niblack, Slack, Washburn and Winstandley.

The question then being, shall the joint resolution be ordered to a third reading?

It was decided in the affirmative.

Mr. McCarty presented the proceedings of a meeting in favor of free banking.

Which,

On his motion,

Were referred to the committee on that subject.

On motion by Mr. Miller,

The Senate adjourned.

TUESDAY MORNING, }  
February 17, 1852. }

The Senate met.

The Journal of yesterday was read.

Mr. Emerson moved to suspend the order of business.

Which was decided in the negative.

#### REPORTS SUBMITTED.

By Mr. Spann, from a select committee:

Mr. PRESIDENT:

The select committee to whom was referred the memorial of the directors and stockholders of the Columbus bridge company, praying for an increase of the capital stock of said company, and also a reduction of the number of the directors thereof, have had the same under consideration, and have directed me to report the accompanying bill and respectfully recommend its passage.

The accompanying bill,

No. 87. A bill authorizing the Columbus Bridge Company, and all other companies organized for the purpose of erecting and maintaining toll bridges, to increase their capital stock; and to increase or reduce the number of the directors thereof;

Was read a first time, and passed to a second reading.

The following message was received from the House of Representatives, by Mr. Sites, their Clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill of the Senate :

No. 47, entitled "a bill districting the State for the election of four Judges for the Supreme Court ;"

Without amendment.

Also, the following message :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed joint resolution of the Senate :

No. 69, entitled "a joint resolution on the subject of emigration to Oregon and the Pacific coast ;"

Without amendment.

Mr. Goodman, from a select committee, submitted the following report :

MR. PRESIDENT :

The select committee to whom was referred a resolution of the Senate, instructing them to report a bill modifying the present grand jury system, have had the same under consideration, and have directed me to report the accompanying bill and recommend its passage.

The accompanying bill No. 88. A bill to limit the number of grand jurors, and to point out the mode of their selection, and repealing all laws inconsistent within themselves ;

Was read a first time, and passed to a second reading.



Mr. Turman, from the joint committee on Enrolled Bills, submitted the following report:

MR. PRESIDENT:

House bills No. 34 and 64 were on yesterday presented by the joint committee on Enrolled Bills, to His Excellency the Governor, for approval.

Message from the House of Representatives, by Mr. Sites, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has concurred in the engrossed amendments of the Senate to engrossed bill of the House No. 89, entitled "a bill in relation to the officers and soldiers of Indiana who served in the war of 1811, 1812, and 1813, and in the war with Mexico."

Also, the following message:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the Speaker has signed the following enrolled bill thereof:

Nos. 68 and 115, which I am directed to bring to the Senate for the signature of the President thereof.

#### RESOLUTIONS OFFERED.

By Mr. Slack:

*Resolved*, That the Cashier of the State Bank be requested to report to the Senate at as early a day as practicable the amount of stock owned by the State in each Branch of the State Bank of Indiana respectively, and the market value thereof; and also the amount of State Bank bonds, and the rate of interest at which they were issued.

Which was adopted.

By Mr. Sleeth:

*Resolved*, That a select committee, consisting of one Senator from each congressional district, be appointed to inquire into the expedi-

ency of changing the time of holding elections for members of Congress.

Which was adopted.

Messrs. Sleeth, Niblack, Athon, Emerson, Logan, Hickman, Secrest, Allen, Eddy, Dawson, and Hunt were appointed said committee.

By Mr. Athon:

*Resolved*, That the Secretary, Auditor, and Treasurer of State be required to report to the Senate whether they possess any data, in their offices, by which they can ascertain what would be the probable dividends arising to the State from her stock in the Madison and Indianapolis railroad for the years 1853-4-5-6 and 7, and communicate the same to the Senate.

Which was adopted.

On motion by Mr. Odell,

The order of business was suspended.

Mr. Odell presented the proceedings of a meeting of the citizens of the city of Lafayette, relative to banking;

Which,

On his motion,

Was referred to the select committee on Banking.

#### ORDERS OF THE DAY.

##### *Bills on their Third Reading.*

Senate bill No. 81. A bill to repeal section I of an act entitled "an act defining the duties of the treasurer of Morgan county;"  
Was read a third time.

And the question being "Shall the bill pass?"

It was decided in the affirmative—ayes 37, noes 1.

*Those who voted in the affirmative were,*

Messrs. Alexander, Allen, Athon, Brugh, Crawford, Davis, Dawson, Defrees, Delevan, Dougherty, Emerson, Goodman, Hatfield, Henton, Hester, Hickman, Holloway, Hunt, Kendall, Kinnard, Knowlton, Logan, Marshall, McCarty, Mickle, Miller, Niblack, Odell, Secrest, Slack, Spann, Teegarden, Turman, Walker, Washburn, Winstandle, and Witherow.

Mr. Dunn voted in the negative.

Senate bill No. 82. An act to legalize the appraisement of real estate in the county of Fountain, for the year 1851;

Was read a third time.

The question being, Shall the bill pass?

It was decided in the affirmative. Ayes 34; noes 6.

*Those who voted in the affirmative were,*

Messrs. Athon, Berry, Brugh, Crawford, Davis, Defrees, Delevan, Dougherty, Dunn, Emerson, Goodman, Hatfield, Henton, Hester, Hickman, Holloway, Kendall, Kinnard, Knowlton, Longshore, Marshall, McCarty, Mickle, Miller, Niblack, Odell, Slack, Sleeth, Spann, Turman, Walker, Washburn, Winstandley, and Witherow.

*Those who voted in the negative were,*

Messrs. Alexander, Dawson, Hunt, Logan, Secrest and Teegarden.

Joint Resolution of the House No. 10. A joint resolution in relation to the harbor at Michigan City;

Was read a third time.

And the question being, Shall the joint resolution pass?

It was decided in the affirmative. Ayes 37; noes 4.

*Those who voted in the affirmative were,*

Messrs. Alexander, Athon, Crawford, Davis, Dawson, Defrees, Delevan, Dougherty, Dunn, Eddy, Goodman, Hatfield, Henton, Hester, Hickman, Hicks, Holloway, Kendall, Kinnard, Knowlton, Logan, Longshore, Marshall, McCarty, Mickle, Miller, Niblack, Odell, Secrest, Slack, Sleeth, Spann, Teegarden, Turman, Walker, Washburn, Winstandley and Witherow.

*Those who voted in the negative were,*

Messrs. Berry, Brugh, Emerson, and Hunt.

House Joint Resolution No. 16. A joint resolution asking a more liberal construction of the act of Congress of May, 1848;

Was read a third time.

And the question being, Shall the joint resolution pass?

It was decided in the affirmative. Ayes 33; noes 7.

*Those who voted in the affirmative were,*

Messrs. Brugh, Crawford, Davis, Defrees, Delevan, Dougherty, Emerson, Goodman, Henton, Hester, Hickman, Hicks, Holloway, Hunt, Knowlton, Logan, Longshore, Marshall, McCarty, Mickle, Miller, Niblack, Odell, Secrest, Slack, Sleeth, Spann, Teegarden, Turman, Walker, Washburn, Winstandley, and Witherow.

*Those who voted in the negative were,*

Messrs. Athon, Cravens, Dawson, Dunn, Hatfield, Kendall, and Kinnard.

House Joint Resolution No. 22. A joint resolution instructing our Senators, and requesting our Representatives in Congress to use their influence and exertions to obtain a grant of public lands to aid in the construction of certain Rail Roads;

Was read a third time.

And the question being, shall the joint resolution pass?

It was decided in the affirmative. Ayes 26; noes 11.

*Those who voted in the affirmative were,*

Messrs. Athon, Cravens, Davis, Dawson, Defrees, Delevan, Dougherty, Dunn, Goodman, Hester, Hickman, Hicks, Hunt, Kendall, Longshore, Marshall, McCarty, Miller, Niblack, Odell, Secrest, Slack, Walker, Washburn, Winstandley and Witherow.

*Those who voted in the negative were,*

Messrs. Berry, Brugh, Crawford, Emerson, Hatfield, Henton, Holloway, Kinnard, Knowlton, Mickle, Spann and Teegarden.

House joint resolution No. 23, a joint resolution asking a passage of a law by Congress, authorizing the State of Indiana to sell the saline lands that remain unsold, at such price as may be deemed right by the General Assembly of the State.

Was read a third time, and,

The question being, shall the joint resolution pass?

It was decided in the affirmative—ayes 39, noes 1.

*Those who voted in the affirmative were,*

Messrs. Alexander, Athon, Cravens, Crawford, Davis, Defrees,

Delevan, Dougherty, Dunn, Emerson, Goodman, Hatfield, Henton, Hester, Hickman, Hicks, Holloway, Hunt, Kendall, Kinnard, Knowlton, Logan, Longshore, Marshall, McCarty, Mickel, Miller, Niblack, Odell, Secrest, Slack, Sleeth, Spann, Teegarden, Turman, Walker, Washburn, Winsteadley and Witherow.

Mr. Brugh voted in the negative.

Mr. Athon moved to reconsider the vote on the passage of Joint resolution of the House No. 22.

Which was agreed to.

When,

On motion by Mr. Berry,

The vote ordering said joint resolution to a third reading,

Was reconsidered. Ayes 23, noes 20.

The ayes and noes were demanded by Messrs. Slack and Witherow.

*Those who voted in the affirmative were,*

Messrs. Athon, Berry, Brugh, Crawford, Dawson, Eddy, Emerson, Goodman, Hatfield, Henton, Hickman, Hicks, Holloway, Kinnard, Knowlton, Logan, Marshall, McCarty, Mickel, Miller, Spann, Turman and Walker.

*Those who voted in the negative were,*

Messrs. Alexander, Cravens, Davis, Defrees, Delevan, Dougherty, Dunn, Hester, Hunt, Kendall, Longshore, Niblack, Odell, Secrest, Slack, Sleeth, Teegarden, Washburn, Winsteadley and Witherow.

Mr. Berry moved the following amendment:

*Provided,* That such railroad, aided by such grant, shall convey the United States mail over it free of charge.

Mr. Emerson moved to refer the joint resolution to the committee on Federal Relations, with the following instructions:

To provide for a donation of land to aid in the construction of the Ohio and Mississippi railroad.

Which was not agreed to.

The question recurring on the adoption of the amendment, It was decided in the negative—ayes 15, noes 26.

The ayes and noes were demanded by Messrs. Berry and Dawson.

*Those who voted in the affirmative were,*

Messrs. Berry, Crawford, Dawson, Defrees, Eddy, Hanna, Hatfield, Henton, Holloway, Kinnard, Knowlton, Logan, Spann, Teegarden, and Walker.

*Those who voted in the negative were,*

Messrs. Athon, Brugh, Cravens, Davis, Delevan, Dougherty, Dunn, Emerson, Goodman, Hester, Hickman, Hicks, Hunt, Kendall, Longshore, Marshall, McCarty, Mickle, Miller, Odell, Secrest, Slack, Sleeth, Turman, Washburn, Winstandley, and Witherow.

Mr. Emerson moved the following amendment :

Add the following in the proper place :

And also a grant of land to aid in the construction of the Ohio and Mississippi Railroad.

Mr. Delevan moved to lay the joint resolution and pending amendment on the table.

Which motion did not prevail.

The question being on the adoption of the amendment,

It was decided in the negative. Ayes 18; noes 25.

The ayes and noes were demanded by Messrs. Emerson and Dunn.

*Those who voted in the affirmative were,*

Messrs. Athon, Brugh, Dunn, Emerson, Hatfield, Henton, Hester, Hicks, Kendall, Knowlton, Logan, Miller, Niblack, Secrest, Slack, Sleeth, Spann, and Washburn.

*Those who voted in the negative were,*

Messrs. Alexander, Berry, Cravens, Crawford, Davis, Dawson, Defrees, Delevan, Dougherty, Eddy, Goodman, Hanna, Hickman, Holloway, Hunt, Kinnard, Longshore, Marshall, McCarty, Mickle, Odell, Teegarden, Walker, Winstandley and Witherow.

Mr. Crawford moved to indefinitely postpone the joint resolution and pending amendment :

Which was decided in the negative; ayes 17, noes 26.

The ayes and noes were demanded by Messrs. Crawford and Kendall.

*Those who voted in the affirmative were,*

Messrs. Berry, Brugh, Crawford, Dawson, Defrees, Delevan, Eddy, Emerson, Hatfield, Henton, Holloway, Kinnard, Knowlton, Logan, Spann, Teegarden, and Walker.

*Those who voted in the negative were,*

Messrs. Alexander, Athon, Cravens, Davis, Dougherty, Dunn, Goodman, Hanna, Hicks, Hunt, Kendall, Longshore, Marshall, McCarty, Mickle, Miller, Niblack, Odell, Secrest, Slack, Sleeth, Washburn, Winstandley, and Witherow.

Mr. Athon moved to amend as follows :

Commit with instructions to grant lands also for the construction of a rail road from Fort Wayne in Allen county, to Columbus in Bartholomew county.

Mr. Kendall moved the previous question ;

Which was seconded.

The question being on the adoption of the amendment,

It was decided in the negative. Ayes, 20; noes 23.

The ayes and noes were demanded by Messrs. Athon and Emerson.

*Those who voted in the affirmative were,*

Messrs. Athon, Brugh, Davis, Dawson, Emerson, Hanna, Hatfield, Henton, Hickman, Holloway, Kinnard, Logan, Longshore, Marshall, Mickle, Slack, Spann, Washburn, Winstandley, and Witherow.

*Those who voted in the negative were,*

Messrs. Alexander, Berry, Cravens, Crawford, Defrees, Delevan, Dougherty, Dunn, Eddy, Goodman, Hester, Hicks, Hunt, Kendall, Knowlton, McCarty, Miller, Niblack, Odell, Secrest, Sleeth, Teegarden, and Walker.

The question being, shall House joint resolution No. 22 be ordered to a third reading?

It was decided in the affirmative. Ayes 21; noes 20.

The ayes and noes were demanded by Messrs. Athon and Dunn.

*Those who voted in the affirmative were,*

Messrs. Cravens, Dougherty, Dunn, Goodman, Hester, Hicks, Hunt, Kendall, Longshore, Marshall, McCarty, Mickle, Miller, Niblack, Odell, Secrest, Slack, Sleeth, Washburn, Winstandley, and Witherow.

*Those who voted in the negative were,*

Messrs. Athon, Berry, Brugh, Crawford, Davis, Dawson, Defrees, Delevan, Eddy, Emerson, Hatfield, Henton, Hicks, Holloway, Kinnard, Knowlton, Logan, Spann, Teegarden, and Walker.

House bill No. 129. A bill for the recovery of property removed by high water;

Was read a third time, and,

The question being, Shall the bill pass?

It was decided in the affirmative; ayes 39, noes 0.

*Those who voted in the affirmative were,*

Messrs. Athon, Berry, Brugh, Cravens, Crawford, Davis, Dawson, Defrees, Delevan, Dougherty, Dunn, Emerson, Goodman, Hanna, Hatfield, Henton, Hester, Hickman, Hicks, Holloway, Hunt, Kinnard, Knowlton, Logan, Longshore, Marshall, McCarty, Mickle, Miller, Odell, Secrest, Slack, Sleeth, Spann, Teegarden, Turman, Walker, Washburn, Winstandley, and Witherow.

House bill No. 135, a bill authorizing county auditors and their deputies to take acknowledgment of deeds and administer oaths in certain cases.

Was read a third time; and

The question being, shall the bill pass?

It was decided in the affirmative—ayes 38, noes 2.

*Those who voted in the affirmative were,*

Messrs. Athon, Berry, Brugh, Cravens, Crawford, Davis, Defrees, Delevan, Dougherty, Dunn, Emerson, Goodman, Hanna, Hatfield, Henton, Hester, Hickman, Hicks, Holloway, Hunt, Kendall, Kinnard, Knowlton, Longshore, McCarty, Mickle, Miller, Niblack, Odell, Secrest, Slack, Spann, Teegarden, Turman, Walker, Washburn, Winstandley and Witherow.

Messrs. Logan and Marshall voted in the negative.



## BILLS ON THEIR SECOND READING.

House bill No. 79, a bill authorizing the construction of Plank, McAdamized and Gravel roads.

Was read a second time by the title,  
When,

On motion by Mr. Emerson,  
It was referred to the committee on Corporations.

Senate bill No. 86, a bill for the relief of certain tax payers in certain counties of this State.

Was read a second time and ordered to be engrossed for a third reading.

House bill No. 84, a bill to provide for the election of the Trustees of the Indiana Asylum for the education of the Deaf and Dumb;

Was read a second time; and,

On motion by Mr. Athon,  
It was referred to the committee on Benevolent Institutions.

Senate joint resolution No. 83, a joint resolution in relation to the office of Chief Engineer of the Wabash and Erie Canal;

Was read a second time and,

On motion by Mr. Secrest,  
Referred to the committee on Canals and Internal Improvements.

Senate bill No. 85, a bill regulating the time of holding courts in the twelfth judicial circuit, and to regulate the time of empanneling a traverse jury in the county of Allen;

Was read a second time, and

On motion by Mr. Dawson,  
Referred to a select committee.

The president appointed Messrs. Dawson, Slack and Washburn, said committee.

Message from the House of Representatives, by Mr. Sites, their Clerk:

MR. PRESIDENT:

I am directed to inform the Senate that the House has passed the

following engrossed bills thereof, in which the concurrence of the Senate is respectfully requested, viz:

No. 142, entitled a bill to authorize the re-location of the seat of justice of the connty of Clay, and to suspend the erection of a court house for said county, and to authorize the receiving of subscriptions and donations for the erection of the public buildings in said county.

The accompanying bill was read a first time, and passed to a second reading.

On motion by Mr. Emerson,  
The Senate adjourned.

2 o'clock, P. M.

The Senate met.

Mr. Emerson moved to take from the table Senate bill No. 65, in relation to elections;

Which was agreed to.

Mr. Emerson moved to amend as follows:

Amend as follows—

1st. Insert after the word "instruction" in the 9th line of the 1st section the words "reporter and sheriff of the supreme court."

2d. In the 5th line of the 11th section, strike out the words "the office of."

3d. Strike out the words "township or precinct," in the last line of the 14th section, and insert the word "county" in lieu thereof.

4th. Strike out of the latter part of the 17th section the words "but no elector shall vote except in the township, ward, or precinct in which he actually resides."

5th. In the 5th line of the 21st section, strike out the words "township, ward or precinct," and insert the word "county" in lieu thereof. Also strike out the words "which township, ward or precinct shall be in the county of which he is a resident," in the 6th and 7th lines of said section.

6th. Strike out of the 22d section, the words "and be imprisoned in the county jail of the proper county not less than one month nor more than six months."

7th. Strike out the 24th section.

8th. Strike out the 25th section, and insert the following—

If any person, not having the legal qualifications of an elector, shall fraudulently vote, or shall fraudulently attempt to vote, at any

election, such person, on conviction thereof, shall be fined in any sum not less than five nor more than fifty dollars.

9th. Strike out all that relates to imprisonment in the county jail in the 27th section.

10th. Add the following at the end of the 33d section: But if the person whose vote is challenged shall be of foreign birth, who has not been naturalized according to the laws of the United States, so much of said oath as requires him to swear that he is a citizen of the United States shall be omitted, and said person may be required to swear or affirm that he has resided within the United States one year, and that he has declared his intention to become a citizen of the United States, conformably to the laws of the United States on the subject of naturalization.

11th. Strike out the 56th section.

12th. In the 64th section strike out the word "Friday" and insert the word "Thursday."

13th. After the word "of" in the 3d line of the 94th section, insert the words "common schools in."

14th. Strike out the proviso to the 9th section relating to the election of Representatives to Congress.

Strike out the 98th section.

Mr. Emerson moved that each amendment be considered separately;

Which was agreed to.

The question being on the adoption of the first amendment,

It was decided in the affirmative.

The question then being on the adoption of the second amendment,

It was decided in the affirmative.

The question then being, Will the Senate adopt the third amendment?

It was decided in the negative.

The question then being on the adoption of the fourth amendment,

It was decided in the negative.

Mr. Miller moved to refer the bill to the select committee on Congressional elections;

Which did not prevail.

The question then being, Will the Senate adopt the fifth amendment,

It was decided in the negative.

The question on the sixth amendment,

Was decided in the affirmative. Ayes 28; noes 12.

The ayes and noes were demanded by Messrs. Emerson and Athon.

*Those who voted in the affirmative were,*

Messrs. Alexander, Athon, Berry, Brugh, Cravens, Crawford, Davis, Defrees, Delevan, Dougherty, Emerson, Hanna, Hatfield, Henton,

Hester, Hickman, Hicks, Knowlton, Longshore, Mickle, Miller, Niblack, Secrest, Slack, Sleeth, Spann, Turman, and Walker.

*Those who voted in the negative were,*

Messrs. Dunn, Goodman, Holloway, Hunt, Kinnard, Logan, Marshall, McCarty, Teegarden, Washburn, Winstandley, and Witherow.

The question then being on the adoption of the seventh amendment,

It was decided in the affirmative.

The question then being on the adoption of the eighth amendment,

It was also adopted.

The question being on the adoption of the ninth amendment,

It was decided in the negative. Ayes 5; noes 35.

The ayes and noes were demanded by Messrs. Hester and Miller.

*Those who voted in the affirmative were,*

Messrs. Delevan, Dougherty, Emerson, Hicks, and Spann.

*Those who voted in the negative were,*

Messrs. Alexander, Athon, Berry, Brugh, Cravens, Crawford, Davis, Defrees, Dunn, Eddy, Goodman, Hanna, Hatfield, Henton, Hester, Hickman, Holloway, Hunt, Kinnard, Knowlton, Logan, Longshore, Marshall, McCarty, Mickle, Miller, Niblack, Secrest, Slack, Sleeth, Teegarden, Turman, Walker, Washburn, Winstandley, and Witherow.

The 10th, 11th, 12th, and 13th amendments were considered separately, and severally adopted.

The question being on the adoption of the 14th amendment,

It was decided in the negative; ayes 19, noes 21.

The ayes and noes were demanded by Messrs. Secrest and Athon.

*Those who voted in the affirmative were,*

Messrs. Alexander, Athon, Brugh, Crawford, Defrees, Emerson, Henton, Hester, Hickman, Hicks, Hunt, Logan, Miller, Niblack, Secrest, Sleeth, Spann, Turman, and Walker.

*Those who voted in the negative were,*

Messrs. Cravens, Davis, Delevan, Dougherty, Dunn, Eddy, Goodman, Hanna, Hatfield, Holloway, Kinnard, Knowlton, Longshore,

Marshall, McCarty, Mickle, Slack, Teegarden, Washburn Winstandle, and Witherow.

Mr. Winstandle moved to amend by striking out the word "and," in the 33d section, and inserting the word "or."

Which was agreed to.

Mr. Mickle moved to amend by striking out the words "ward," and "precinct," in section 33.

Which was agreed to.

Mr. Secrest moved to refer the bill to the committee on Practice and Pleadings, &c.

Which motion prevailed.

On motion by Mr. Athon,

The Senate adjourned.

WEDNESDAY MORNING, }  
February 18, 1852. }

The Senate met.

The Journal of yesterday was read.

#### REPORTS SUBMITTED.

By Mr. Eddy, from the committee on Corporations;

MR. PRESIDENT.

The committee on Corporations, to whom was referred bill No. 74, a bill authorizing plank road companies to create a sinking fund for the repair of said roads, have considered the same, and directed me to report it back to the Senate without amendment, and recommend its passage.

The accompanying bill was read a second time and ordered to be engrossed for a third reading.

By Mr. Hunt, from the committee on Benevolent Institutions of the State:

MR. PRESIDENT :

The committee on Benevolent Institutions, to whom was referred a resolution of the Senate referring "so much of the Governor's message as relates to an appropriation to the State Board of Agriculture," have had the same under consideration, and direct me to report it back to the Senate and recommend that it be referred to the committee on Agriculture.

Which was concurred in.

#### RESOLUTIONS.

Mr. Hatfield offered the following resolution :

*Resolved*, That the select committee on Banks be instructed to insert a section in the bill to be reported by them, that the bank shall be compelled to pay to any note holder his demand when it is clearly proven any note held by him issued by said bank is irrecoverably destroyed.

Which was adopted.

#### BILLS INTRODUCED.

By Mr. Marshall:

No. 89. A bill giving construction to an act entitled "an act to amend several acts incorporating turnpike roads therein named, so as to apply to the Madison and Brownstown turnpike company ;

Which was read a first time and passed to a second reading.

Mr. Winstandley moved to suspend the order of business.

Which was agreed to.

Mr. Winstandley, from the committee on Corporations, submitted the following report:

MR. PRESIDENT :

The committee on Corporations, to whom was referred bill No. 78, of the Senate, have had the same under consideration and made one amendment, and when so amended, a majority of the committee have instructed me to report it back and recommend its passage.

Amend the first section by striking out the words "five thousand," and insert "two thousand."

Which was concurred in, and the bill read a second time; when, Mr. Eddy moved to amend as follows:

Amend 1st. By inserting in the eleventh line of section 2d, after the words "respective cities," the following:

And to aid in making turnpike, plank and railroads leading to said cities.

Amend 2d. By inserting after the words "said cities," in the 4th line of section 3d, the following: "or to make roads to the same."

And also after the word "company," in 15th line of said section, "the remainder thereof."

Which was decided in the negative; ayes 13, noes 29.

The ayes and noes were demanded by Messrs. Athon and Marshall.

*Those who voted in the affirmative were,*

Messrs. Berry, Crawford, Eddy, Hicks, Kinnard, Mickle, Miller, Secrest, Slack, Teegarden, Turman, Washburn, and Witherow.

*Those who voted in the negative were,*

Messrs. Athon, Brugh, Defrees, Delevan, Dougherty, Dunn, Emerson, Goodman, Hatfield, Henton, Hester, Hickman, Holloway, Hunt, Kendall, Knowlton, Logan, Longshore, Marshall, McCarty, Niblack, Odell, Reid, Sleeth, Spann, Walker, and Winstandley.

Mr. Berry moved the following amendment:

SEC. —. All persons entitled to vote at general elections for State officers, shall be voters at all elections held for the election of city and town officers in this State, and shall be qualified to hold any office within any such city or town.

Mr. Marshall moved the following amendment to the amendment:

*Provided*, That said voters shall have resided six months within the corporate limits of the town or city, immediately preceding the election.

The question being on the adoption of the amendment to the amendment,

It was decided in the negative—ayes 18, noes 22.

The ayes and noes were demanded by Messrs. Berry and Marshall.

*Those who voted in the affirmative were,*

Messrs. Athon, Brugh, Defrees, Dunn, Goodman, Henton, Hester, Holloway, Kendall, Knowlton, Logan, Marshall, McCarty, Odell, Teegarden, Washburn, Winstandley, and Witherow.

*Those who voted in the negative were,*

Messrs. Berry, Crawford, Dawson, Delevan, Dougherty, Hunt, Kinnard, Longshore, Mickel, Niblack, Reid, Secrest, Slack, Sleeth, Spann, Turman, and Walker.

The question being on the adoption of the amendment,  
It was decided in the affirmative.

Mr. Reid moved to reconsider the vote refusing to adopt Mr. Eddy's amendment.

After much discussion,

On motion by Mr. Spann,

The Senate adjourned.

2 o'clock, P. M.

The Senate met.

The consideration of the question pending at adjournment, being a motion to reconsider the vote refusing to adopt Mr. Eddy's amendment to Senate bill No. 78, was resumed, when,

On motion by Mr. Athon,

A call of the Senate was ordered.

On motion,

The absentees were sent for.

Mr. Mickel moved to suspend a further call;

Which was not agreed to.

Mr. Kendall moved to suspend a further call;

Which motion did not prevail.

On motion by Mr. Alexander,

A further call was suspended.

On motion by Mr. Alexander,

The order of business was suspended; whereupon,

Mr. Alexander, from a select committee, submitted the following report:



## MR. PRESIDENT:

The select committee to whom was referred bill No. 52, "A bill to amend an act to incorporate the White River Navigation Company," have had the subject under consideration, and after the adoption of the following amendment, recommend its passage.

Add the following proviso at the end of the 1st section:

*Provided*, Nothing in this act shall be construed to exclude the free navigation of White River from the mouth up the east fork of White River to Point Commerce, by boats propelled by steam, at such stage of water that boats propelled by steam, could safely navigate that part of said river, if the improvement contemplated and made under this act had not been made.

On motion by Mr. Hester,

The bill and pending amendment were referred to the committee on the Judiciary.

The question recurring on the reconsideration of the vote on Mr. Eddy's amendment to Senate bill No. 78,

It was decided in the negative. Ayes 17; noes 27.

The ayes and noes were demanded by Messrs. Slack and Athon.

*Those who voted in the affirmative were,*

Messrs. Berry, Dawson, Eddy, Emerson, Hicks, Hunt, Longshore, Mickle, Miller, Niblack, Reid, Secrest, Slack, Spann, Turman, and Washburn.

*Those who voted in the negative were,*

Messrs. Alexander, Athon, Brugh, Cravens, Crawford, Davis, De-frees, Delevan, Dougherty, Dunn, Goodman, Hatfield, Henton, Hester, Hickman, Holloway, Kendall, Kinnard, Knowlton, Longshore, Marshall, McCarty, Odell, Sleeth, Teegarden, Walker, Winstandley and Witherow.

Mr. Reid moved the following amendment:

Amend section 2 by inserting, at the end of said section, the following:

*Provided*, That no city, town or village shall subscribe for stock in any incorporated company unless the same be paid for at the time of such subscription.

Mr. Winstandley moved to lay the amendment on the table.

Which was decided in the affirmative. Ayes 28; noes 16.

The ayes and noes were demanded by Messrs. Reid and Eddy.

*Those who voted in the affirmative were,*

Messrs. Alexander, Athon, Brugh, Cravens, Defrees, Delevan, Dougherty, Dunn, Goodman, Hanna, Hatfield, Henton, Hester, Hickman, Hicks, Holloway, Kendall, Knowlton, Logan, Marshall, McCarty, Niblack, Odell, Sleeth, Walker, Washburn, Winstandle and Witherow.

*Those who voted in the negative were,*

Messrs. Berry, Crawford, Davis, Dawson, Eddy, Emerson, Hunt, Kinnard, Longshore, Mickle, Reid, Secrest, Slack, Spann, Teegarden, and Turman.

The question being, "Shall Senate bill No. 78 be engrossed for a third reading?"

It was decided in the affirmative. Ayes 27; noes 16.

The ayes and noes were demanded by Messrs. Mickle and Reid.

*Those who voted in the affirmative were,*

Messrs. Alexander, Athon, Brugh, Cravens, Defrees, Delevan, Dougherty, Dunn, Goodman, Hatfield, Henton, Hester, Hickman, Hicks, Holloway, Kendall, Knowlton, Logan, Marshall, McCarty, Mickle, Odell, Sleeth, Walker, Washburn, Winstandle and Witherow.

*Those who voted in the negative were,*

Messrs. Berry, Crawford, Dawson, Eddy, Emerson, Goodman, Hanna, Hunt, Longshore, Niblack, Reid, Secrest, Slack, Spann, Teegarden, and Turman.

Mr. Slack moved to suspend the order of business;  
Which motion did not prevail.

#### ORDERS OF THE DAY.

*Bills on their third reading.*

Senate bill No. 86. A bill to amend section 2 of an act entitled "an act providing for the illegal reduction of the aggregate valua-

tion of real estate in the several counties of this State," approved Jan. 12th, 1852;

Was read a third time, and,  
On motion by Mr. Reid,  
Recommitted to the committee on the Judiciary.

House joint resolution No. 22, instructing our Senators and requesting our Representatives in Congress to use their influence and exertions to obtain a grant of public lands to aid in the construction of certain rail roads;

Was read a third time, and,  
On motion by Mr. Emerson,  
Recommitted to the committee on Federal Relations with the following instructions:

Commit to the committee on Federal Relations with instructions to incorporate in said resolution a provision to instruct our Senators in Congress and request our Representatives to use their influence to procure a grant of land to aid in the construction of the Ohio and Mississippi Railroad.

A division of the question was called for.

The President having decided the question divisible, the first question, will the Senate recommit House joint resolution No. 22?

Was decided in the affirmative—ayes 25, noes 17.

The ayes and noes were demanded by Messrs. Emerson and Slack.

*Those who voted in the affirmative were,*

Messrs. Alexander, Athon, Berry, Brugh, Cravens, Dawson, Dunn, Emerson, Hanna, Henton, Hickman, Hicks, Holloway, Kinnard, Knowlton, Logan, Longshore, Mickle, Niblack, Reid, Sleeth, Spann, Turman, Washburn, and Witherow.

*Those who voted in the negative were,*

Messrs. Crawford, Defrees, Delevan, Dougherty, Eddy, Goodman, Hatfield, Hester, Hunt, Kendall, Marshall, McCarty, Odell, Secrest, Slack, Teegarden, and Walker.

The question, then being on the adoption of the instructions;  
It was decided in the affirmative.

Mr. Mickle moved further to instruct the committee as follows:

Add the Fort Wayne and Southern Railroad.  
Which was agreed to.

Mr. Defrees moved further to instruct the committee as follows:

Also a grant of land in favor of aiding in the construction of the Kosciusko, Elkhart, and Miami Railroad.

Which was agreed to.

Mr. Athon moved further to instruct as follows:

Amend also by granting lands for constructing a railroad from Ft. Wayne to Columbus in this State.

Mr. Reid moved to amend the instructions by including the Junction railroad.

Which motion prevailed, and the instructions, as amended, were adopted.

Mr. Slack moved further to instruct the committee to ask also a grant of land to aid in constructing the Huntington and Liberty Mills plank road.

Which was not agreed to.

#### BILLS ON THEIR SECOND READING.

No. 142 A bill to authorize the relocation of the seat of justice of the county of Clay, and to suspend the erection of a court house for said county, and to authorize the receiving of subscriptions and donations for the erection of the public buildings in said county;

Was read a second time by its title; when,

Mr. Turman moved to refer the bill to a select committee, with the following instructions:

Refer to a select committee of three, with instructions to report a general law for the relocation of county seats, specifying the rules and restrictions that shall govern such relocation.

Mr. Emerson moved to amend the instructions as follows:

Insert "inquire into the expediency of reporting."

Which was decided in the negative.

The question then being on the adoption of the instructions, It was decided in the affirmative.

Messrs. Turman, Eddy and Berry were appointed said committee.

Senate bill No. 88. A bill limiting the number of grand jurors, providing a mode for their selection, defining their jurisdiction, and repealing all laws inconsistent therewith;

Was read a second time, when

Mr. Delevan moved to amend as follows:

In the first section, strike out the word "twelve," and insert the word "six."

Which was decided in the negative; ayes 9, noes 31.

The ayes and noes were demanded by Messrs. Mickle and Delevan.

*Those who voted in the affirmative were,*

Messrs. Delevan, Hatfield, Hester, Hickman, Kinnard, Longshore, Slack, Sleeth, and Washburn.

*Those who voted in the negative were,*

Messrs. Alexander, Athon, Berry, Brugh, Cravens, Crawford, Davis, Dawson, Defrees, Dougherty, Dunn, Eddy, Emerson, Goodman, Henton, Hicks, Holloway, Hunt, Kendall, Logan, Marshall, McCarty, Mickle, Niblack, Odell, Reid, Secrest, Spann, Teegarden, Walker, Winstandley and Witherow.

Mr. Berry moved the previous question;

Which was seconded.

The question being, shall the main question be now put?

It was decided in the affirmative.

The question then being, shall Senate bill No. 88 be engrossed for a third reading?

It was decided in the affirmative, ayes 22, noes 21.

The ayes and noes were demanded by Messrs. Mickle and Dawson.

*Those who voted in the affirmative were,*

Messrs. Berry, Defrees, Delevan, Eddy, Emerson, Goodman, Hanna, Hatfield, Hester, Hickman, Hunt, Kinnard, Knowlton, Longshore, Marshall, Mickle, Reid, Slack, Sleeth, Spann, Turman, and Winstandley.

*Those who voted in the negative were,*

Messrs. Alexander, Athon, Brugh, Cravens, Crawford, Dawson,

Dougherty, Dunn, Henton, Hicks, Holloway, Kendall, Logan, McCarty, Niblack, Odell, Teegarden, Walker, Washburn, and With-  
erow.

Senate bill No. 87. A bill authorizing the Columbus Bridge Company, and all other companies organized for the purpose of erecting and maintaining toll bridges, to increase their capital stock, and to increase or reduce the number of the directors thereof;

Was read a second time, and,

On motion by Mr. Winstandley,

Was referred to the committee on Corporations.

Message from the House of Representatives, by their Clerk, Mr. Sites:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof:

No. 40. Entitled, an act to regulate the vending of wooden, brass, or composition clocks in the several counties of this State.

Also,

Joint resolution No. 24. Entitled, a joint resolution on the subject of a ship canal around the rapids of the St. Mary's river connecting Lake Superior with the other lakes.

In which the concurrence of the Senate is respectfully requested.

The accompanying bill was read a first time, when,

Mr. Berry moved it be rejected.

Which was not agreed to.

The bill then passed to a second reading.

The accompanying joint resolution was read a first time and passed to a second reading.

Mr. Slack, from the committee on County and Township Business, submitted the following report:

MR. PRESIDENT:

The committee on County and township Business, to which was referred House bill No. 122, have had the same under consideration, and have requested me to report the same back with the following additional amendments to said bill, to-wit:

Strike out the thirteenth section.

After the 20th section insert a section as follows:

SEC. 21. The board of county commissioners shall quarterly allow the clerk of the circuit court, auditor, and sheriff of their county such compensation for their extra services as to such board shall seem reasonable, not exceeding in any one year one hundred dol-

lars; which extra allowance shall be deemed a sufficient compensation to such officers for all extra or other services whatever, in the discharge of any of the duties of their offices, for which no certain fee or compensation is fixed or allowed by law.

Upon the adoption of these amendments, the committee would recommend the passage of the bill.

Which was concurred in, and the amendments ordered to be engrossed, and the bill ordered to a third reading.

Mr. Goodman offered the following resolution :

*Resolved*, That the Door-keeper be required to act as Sergeant-at-Arms in the preservation of order in the lobbies.

Which was not adopted.

The following message was received from the House of Representatives, by Mr. Sites, their Clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has concurred in the engrossed amendment of the Senate to engrossed bill of the House

No. 135, entitled "a bill authorizing county auditors and their deputies to take acknowledgments of deeds and administer oaths in certain cases.

Mr. Turman, from the joint committee on Enrolled Bills, submitted the following report :

MR. PRESIDENT :

The joint committee on Enrolled Bills, having compared enrolled bill No. 47 of the Senate, and enrolled joint resolutions of the Senate numbered 67 and 69, with the engrossed copies thereof, report that they are correct.

Also, the following :

MR. PRESIDENT :

The joint committee on Enrolled Bills presented, on the 17th instant, to the Governor, House bills Nos. 68 and 115.

Mr. Cravens moved to adjourn ;  
Which motion did not prevail.

On motion by Mr. Teegarden,  
The Senate adjourned.

THURSDAY MORNING, }  
February 19, 1852. }

The Senate met.

The journal of yesterday was read.

#### REPORTS SUBMITTED.

By Mr. Winstandley, from the committee on Finance :

MR. PRESIDENT :

The committee on Finance, to whom was referred bill No. 82 of the House of Representatives, have had the same under consideration, and a majority of said committee have directed me to report it back to the Senate, and recommend its passage.

The accompanying bill was read a second time, and,

On motion by Mr. Secrest,

Was laid on the table.

By Mr. Hanna, from the committee on the Judiciary :

MR. PRESIDENT :

The committee on the Judiciary, to whom was referred bill of the Senate No. 52, have had the same under consideration, and a majority of said committee have directed me to report it back for the consideration of the Senate.

The accompanying bill was read a second time ;

When,

On motion by Mr. Secrest,



It was recommitted to the committee on the Judiciary, with instructions to inquire into the constitutionality thereof.

On motion by Mr. Emerson,  
The order of business was suspended.

By Mr. Emerson, from the committee on Finance:

MR. PRESIDENT:

The committee on Finance, to whom was referred House bill No. 103, entitled "A bill to provide for the speedy redemption of the outstanding treasury notes of the State of Indiana," have had the same under consideration, and have directed me to report the same back, and recommend its passage.

The accompanying bill was read a second time, and ordered to a third reading.

By Mr. Teegarden, from the committee on Benevolent Institutions of the State:

MR. PRESIDENT:

The resolution of the Senate which was referred to the standing committee of the Senate on Benevolent Institutions, requesting said committee to inquire into the propriety of condensing all the acts governing said institutions, and after due consideration, a majority of said committee have instructed me to report it back to the Senate, and recommend that it be laid on the table.

Which was concurred in.

By Mr. Hicks, from the same committee:

MR. PRESIDENT:

The committee on Benevolent Institutions, to which was referred a resolution of the Senate directing an inquiry into the expediency of providing by law for the admission into the Hospital for the Insane of persons who from known causes are considered incurable, have had the same under consideration, and directed me to report that in their opinion it is inexpedient to legislate on that subject, and the committee ask to be discharged from the further consideration thereof.

Which was concurred in.

By Mr. Cravens, from the committee on Canals and Internal Improvements:

MR. PRESIDENT:

The committee on Canals and Internal Improvements, to whom was referred a joint resolution in relation to the office of Chief Engineer of the Wabash and Erie canal, have had the subject under consideration, and a majority of the committee have directed me to report it inexpedient to legislate on the subject, and recommend that it be laid on the table.

Which was concurred in.

By Mr. Reid, from the joint committee on Constitutional Questions:

MR. PRESIDENT:

The committee on Constitutional Questions, to whom was referred the petition of several citizens of Perry county, in relation to the judicial acts of certain justices of the peace of said county, and praying for a legalization thereof, have had the same under consideration, and a majority thereof have instructed me to make the following report:

It appears from the petition that in the year 1847, one William McKinley was lawfully elected and commissioned a justice of the peace for the township of Troy, in the county of Perry, and was sworn into office by one H. P. Brazee, then an acting justice of the peace of said county, who was afterwards re-elected as his own successor, and sworn into office by the aforesaid William McKinley, then an acting justice of the peace as aforesaid. It appears also, that one John P. Jones was lawfully elected and commissioned as a Justice of the Peace for said county, and was sworn into office by said H. P. Brazee, then an acting commissioned Justice as aforesaid, and that the said McKinley, Brazee and Jones continued, during the term of their office, to act as Justices of the Peace within and for the county of Perry, as aforesaid. It further appears that at the time the said H. P. Brazee swore into office the said McKinley, that the commission of the said Brazee had expired, and that a vacancy had occurred in said office by such expiration, of which said Brazee was ignorant when he swore said McKinley into office.

The question presented to this committee by the above state of facts, as well as by the petition is: Are the acts of the aforesaid Justices illegal and void in consequence of the want of power of the said Brazee to lawfully swear into office the said McKinley, his term of office having expired at the time said oath was administered?

By the 12<sup>th</sup> section of 5<sup>th</sup> article of the Constitution of Indiana, it is ordered that a competent number of Justices of the Peace shall be elected by the qualified voters in each township in the several counties and shall continue in office five years, if they so long behave well, whose powers and duties shall from time to time be regulated and defined by law; and by article 3, of chapter 4, of the Revised Statutes of 1843, the law is laid down regulating the number of Justices in each township, and their term of office. In article 8, chapter 5, we find the law governing the election of said Justices, and by the 12<sup>th</sup> article of chapter 4, we are informed that such officers shall be commissioned by the Governor for the term for which they were elected.

From an examination of the petition we are not informed that any error or illegality occurred in either the election or commissioning of any of the aforesaid Justices, but on the contrary, that all and each were duly elected and commissioned according to law. But by article 14, of chapter 4, of said Statutes, every person chosen or appointed to any office of trust or profit under the authority of this State is required, before entering on the duties of said office, to take an oath or affirmation before any person lawfully authorized to administer oaths, and the substance as well as form of said oath is there given; and by the 9<sup>th</sup> section of said article and chapter, we find the law and the punishment governing all violations of this duty. This section declares that if any person elected or appointed to any office, or deputy of any officer, shall execute any of the duties of any office without having taken and subscribed the oath of office prescribed in this article, or without having executed and filed in the proper office any bond required of him by law, he shall be deemed guilty of a misdemeanor, punishable by fine not exceeding one thousand dollars, upon conviction in any court of competent jurisdiction.

A Justice of the Peace is an officer who is required to take this oath, and from the petition we learn that the oath in substance and spirit was taken by McKinley believing at the time of the qualification by the officer qualifying, as well as the one qualified, that it was lawfully done and binding on all.

But admitting that the Justice who qualified Mr. McKinley may not have had the lawful authority in consequence of the expiration of the term of his commission, yet the omission of the said McKinley to take the oath required is not such an act as would invalidate his proceedings or render his judgments as said Justice null and void as regards third persons. The office is one created by the Constitution, elected by the people and commissioned by the Governor; hence the mere non qualification by the officer, to take the oath, or having done so, but by one having no lawful authority to administer it, only makes him liable to be punished for a misdemeanor, and does not render null and void his acts.

The committee is of opinion that the said William McKinley, H.

P. Brazee and John P. Jones were duly elected and commissioned Justices of the Peace of the county of Perry, and having acted as such that there is no necessity to legalize the judicial proceedings of said Justices as prayed for by the petitioners, wherefore your committee ask to be discharged from all further consideration of the same.

Which was concurred in.

#### RESOLUTIONS OFFERED.

By Mr. Sleeth ;

*Resolved*, That the committee on Finance be requested to inquire into the propriety of procuring for distribution a certain number of copies of Dr. R. T. Brown's lecture on the geology of Indiana, delivered in the House of Representatives, January 22, 1852, and now being printed in pamphlet form in this city by Austin H. Brown.

Which was adopted.

By Mr. Miller ;

*Resolved*, That the committee on County and Township Business be instructed to inquire into the propriety of providing for all county surveyors to record or have recorded all original field notes and plats that they now have or may obtain hereafter, and that a proper book be furnished by the county boards in which the same may be recorded, and he shall be entitled to a similar fee as by him received for similar services.

Which was adopted.

By Mr. Niblack ;

**WHEREAS**, By an act entitled "an act to incorporate the New Albany and Vincennes Plank Road Company, approved February 13, 1851, provision was made, amongst other things, for the construction of a plank road from New Albany to Vincennes in this State; and

**WHEREAS**, On or about the 12th day of May, 1851, a company was organized under the provisions of said act of incorporation, known as the "New Albany and Vincennes Plank Road Company; and

**WHEREAS**, In pursuance of said act of incorporation, the interest of the State of Indiana in and to the New Albany and Vincennes road, has been assigned and transferred to said plank road company upon certain terms and conditions therein prescribed; and

**WHEREAS**, It is further represented that the said New Albany and Vincennes Plank Road Company have taken possession of the

finished portion of said turnpike road, being that portion of the same east of Paoli, and are receiving the tolls and profits thereof, but have failed to take possession of the unfinished portion of the same, being that part west of Paoli; and

WHEREAS, It is further represented that said plank road company do not intend to take possession of said unfinished portion of said turnpike road, and do not intend to continue the construction of the same, in any manner, west of Paoli; and

WHEREAS, It is charged that the failure of said plank road company to take possession and to continue the construction of the unfinished portion of said turnpike road is a violation of the charter of said plank road company, and in violation of the spirit and intention of said act of incorporation; and

WHEREAS, It is further charged that said plank road company have, in many other things, failed to comply with the provisions of said act of incorporation, and have, in others, transcended the powers conferred by it; therefore,

*Resolved*, That the committee on the Judiciary be instructed to inquire, 1st, as to the truth of the matters above cited; 2d, whether this General Assembly has power to amend or repeal said act of incorporation; 3d, if the power be conceded, then as to the expediency of so doing, and to report by bill or otherwise.

Which was adopted.

#### BILLS INTRODUCED.

By Mr. Athon:

No. 90. A bill to provide for a general and uniform system of common schools, providing for the election, and defining the duties of township trustees, circuit superintendents, and State superintendent of public instruction; providing for the custody and sale of school lands,—the loaning of school funds, and the distribution thereof,—the powers of the qualified voters of the township,—of the powers and duties of incorporated cities and towns, in relation to schools; of the duties of teachers, and the evidence of their qualifications,—for township school libraries, and the custody and management thereof; for taxes in and of school funds, and for the establishment of township libraries; defining the duties of county auditors and treasurers, and of the Auditor and Treasurer of State, in relation to schools and school funds, and township libraries; compensation of officers and liabilities thereof, for neglect of duty; duty of county commissioners, and school commissioners; for a State Board of Education, and the duties thereof; of the division of the State into school circuits; of the qualifications of voters in school corporations, and their powers;

Was read a first time, and passed to a second reading.

The following message was received from the House of Representatives, by Mr. Sites, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the Speaker has signed the following enrolled bill and joint resolutions of the Senate: Nos. 47, 67 and 69.

Which I am directed to bring to the Senate for the signature of the President thereof.

#### ORDERS OF THE DAY.

##### *Bills on their third reading.*

Senate bill No. 74. A bill authorizing plank road companies to create a sinking fund for the repair of said roads;

Was read a third time.

When,

Mr. Berry moved to amend as follows:

Add after the word "plank," the words "and turnpike."

Which was unanimously agreed to.

The question being, Shall the bill pass?

It was decided in the affirmative. Ayes 40; noes, none.

##### *Those who voted in the affirmative were,*

Messrs. Athon, Berry, Brugh, Crawford, Dawson, Defrees, Delevan, Dougherty, Dunn, Emerson, Goodman, Hatfield, Henton, Hester, Hickman, Hicks, Holloway, Hunt, James, Kendall, Kinnard, Knowlton, Logan, Marshall, McCarty, Mickle, Miller, Niblack, Odell, Reid, Secrest, Slack, Sleeth, Spann, Teegarden, Turman, Walker, Washburn, Winstandley, and Witherow.

Mr. Berry moved to amend the title by inserting, after the word "plank," the words "and turnpike."

Which motion prevailed.

Senate bill No. 88. A bill limiting the number of grand jurors, providing mode for their selection, defining their jurisdiction, and repealing all other laws inconsistent herewith;

Was read a third time ;

When

Mr. Hester moved a call of the Senate,

Which was ordered, and,

On motion,

The absentees were sent for.

On motion by Mr. Hester,

The call of the Senate was suspended.

Mr. Hicks moved to recommit the bill to a select committee, with the following instructions :

Amend so as to give circuit courts and grand juries concurrent jurisdiction with justices of the peace, in all offences connected with the performance or non-performance of official duties ; also, all offences against the revenue.

Mr. Goodman moved to lay the motion and instructions on the table ;

Which was decided in the affirmative ; ayes 25, noes 17.

The ayes and noes were demanded by Messrs. Hicks and Goodman.

*Those who voted in the affirmative were,*

Messrs. Berry, Delevan, Eddy, Emerson, Goodman, Hanna, Hatfield, Henton, Hester, Hickman, Holloway, Hunt, Kendall, Kinnard, Knowlton, Longshore, Miller, Reid, Slack, Sleeth, Spann, Turman, Walker, Washburn, and Winstandley.

*Those who voted in the negative were,*

Messrs. Alexander, Athon, Crawford, Dawson, Defrees, Dougherty, Dunn, Hicks, James, Logan, Marshall, McCarty, Mickle, Niblack, Odell, Secrest, and Witherow.

The question being, shall Senate bill No. 88 pass ?

It was decided in the affirmative. Ayes 27 ; noes 17.

*Those who voted in the affirmative were,*

Messrs. Alexander, Berry, Defrees, Delevan, Dougherty, Eddy, Emerson, Goodman, Hanna, Hatfield, Hester, Hickman, Hicks, Hunt, Kinnard, Knowlton, Longshore, Mickle, Miller, Reid, Slack, Sleeth, Spann, Turman, Walker, Washburn, and Winstandley.

*Those who voted in the negative were,*

Messrs. Athon, Brugh, Crawford, Dawson, Dunn, Henton, Holloway, James, Kendall, Logan, Marshall, McCarty, Niblack, Odell, Secrest, Teegarden, and Witherow.

Senate bill No. 78. A bill to authorize cities of 5,000 inhabitants or more, to issue their bonds for borrowed money, to build public houses for their use, purchase and make wharves, furnish water and light, and take stock in roads leading to the same, on the petition of two-thirds of the resident freeholders thereof, and to take stock in companies for lighting and watering the same;

Was read a third time, when

Mr. Berry moved to recommit to a select committee;

Which was decided in the affirmative. Ayes 24; noes 21.

The ayes and noes were demanded by Messrs. Goodman and Hanna.

*Those who voted in the affirmative were,*

Messrs. Alexander, Berry, Brugh, Crawford, Davis, Dawson, Dougherty, Eddy, Emerson, Hatfield, Henton, Hunt, James, Kinard, Logan, Longshore, Mickle, Miller, Niblack, Reid, Secrest, Slack, Spann, and Turman.

*Those who voted in the negative were,*

Messrs. Athon, Cravens, Defrees, Delevan, Dunn, Goodman, Hanna, Hickman, Hicks, Holloway, Kendall, Knowlton, Marshall, McCarty, Odell, Sleeth, Teegarden, Walker, Washburn, Winstandle, and Witherow.

On motion by Mr. Spann,

The Senate adjourned.

2 o'clock, P. M.

The Senate met.

The President laid before the Senate the following communication from the Auditor, Secretary, and Treasurer of State, which was ordered to be laid on the table:



EXECUTIVE OFFICES, }  
 INDIANAPOLIS, February 18, 1852. }

*To the Hon. Senate of Indiana:*

In answer to a resolution of your body requiring the undersigned to report to the Senate "whether they possess any data in their offices by which they can ascertain what would be the probable amount of dividends arising to the State from her stock in the Madison and Indianapolis rail road for the years 1853-4-5-6 and 7, they would state that they have no such data.

Unofficially they have been informed that a report involving the subject matter above referred to has been made to the House of Representatives by the President of the company to which they would respectfully invite your attention. The undersigned supposes it a correct estimate of the profits of the company and it presents an amount which they think will not be diminished by any probable contingency within the years named in the above resolution.

Respectfully submitted,

CHARLES H. TEST, *Sec'y. of State.*

J. P. DRAKE, *Treas. of State.*

E. W. H. ELLIS, *Auditor of State.*

House bill No. 122, a bill to provide for the organization of county boards and defining their powers and duties.

Was read a third time, when

Mr. Mickle moved to amend by striking out of section 5 the word Sheriff, and inserting in lieu thereof, the word Auditor.

Which was unanimously agreed to.

Mr. Dawson moved to recommit the bill with the following instructions:

Amend by inserting the following:

And said exhibit shall distinguish between ordinary and extraordinary expenditures, and when the allowances are made for any purpose not expressly provided for by law, the names of the person or persons to whom allowed, and the service and amount shall be stated in the exhibit.

Which was decided in the negative—ayes 13, noes 29.

The ayes and noes were demanded by Messrs. Athon and Dawson.

*Those who voted in the affirmative were,*

Messrs. Brugh, Dawson, Emerson, Hicks, Hunt, Kinnard, Knowlton, Niblack, Spann, Teegarden, Turman, Walker and Washburn.

*Those who voted in the negative were,*

Messrs. Alexander, Athon, Berry, Cravens, Crawford, Davis, Defrees, Delevan, Dougherty, Dunn, Eddy, Hanna, Henton, Hester, Hickman, Holloway, Logan, Longshore, Marshall, McCarty, Mickle, Milliken, Odell, Reid, Secrest, Slack, Sleeth, Winstandley and Witherow.

The question being, shall the bill pass?

It was decided in the affirmative—ayes 41, noes 1.

*Those who voted in the affirmative were,*

Messrs. Alexander, Athon, Berry, Brugh, Cravens, Crawford, Davis, Dawson, Defrees, Delevan, Dougherty, Dunn, Eddy, Emerson, Hanna, Hatfield, Henton, Hester, Hickman, Hicks, Holloway, Hunt, Kinnard, Knowlton, Logan, Longshore, Marshall, McCarty, Mickle, Milliken, Niblack, Odell, Reid, Secrest, Slack, Sleeth, Spann, Teegarden, Walker, Washburn and Witherow.

Mr. Winstandley voted in the negative.

Mr. Emerson moved to amend the title by adding “and Township Assessors.”

Which was decided in the negative.

#### BILLS ON THEIR SECOND READING.

Senate bill No. 89. A bill giving construction to an act entitled “an act to amend several acts incorporating turnpike roads therein named, so as to apply to the Madison and Brownstown Turnpike Company;

Was read a second time, when,

Mr. Spann moved to refer the bill to a select committee.

Mr. Emerson moved to refer the bill to the committee on the Judiciary;

Which motion prevailed.

House bill No. 40. A bill to regulate the vending of clocks;

Was read a second time ; and,  
 On motion by Mr. Mickle,  
 Was referred to a select committee.

Messrs. Mickle, Washburn and Teegarden were appointed said committee.

House joint resolution No. 24. A joint resolution on the subject of a ship canal around the Rapids of the St. Mary's River, connecting Lake Superior with the other Northern Lakes ;

Was read a second time, and ordered to a third reading.

Message from the House of Representatives, by Mr. Sites, their Clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bills thereof:

No. 118, entitled "An act authorizing alien friends to take by descent or devise real estate and dispose of the same, and releasing to alien friends lands heretofore escheated to the State, and requiring such alien friends within five years either to sell or convey said lands to citizens of this State, or remove themselves to this State and declare their intention to become citizens of the United States ; and providing for the appointment of guardians for such of such alien friends as may be minors, and authorizing such guardians to sell and convey such real estate ;"

Also,

No. 136, entitled "An act declaratory of the law regulating marriages, and enforcing the same by proper penalties ;"

In which the concurrence of the Senate is respectfully requested.

The accompanying bills were each read a first time and passed to a second reading.

Also, the following message :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof:

No. 157, entitled "An act for the relief of Samuel H. Patterson, and to reduce his rent as lessee of the Penitentiary ;"

In which the concurrence of the Senate is respectfully requested.

The accompanying bill was read a first time and passed to a second reading.

Mr. Secrest moved to take from the table

House bill No. 82. A bill to enable the Madison and Indianapolis Rail Road to avoid the inclined plane, to provide for the sale of the State's interest in said road, &c.;

Which was agreed to; when

Mr. Slack moved to amend as follows:

Strike out the word "thereof," at the end of the sixth section, and insert the following:

*Provided*, That nothing in this act contained shall be so construed as to authorize the sale, in any way, of the stock which the State will own in the road on the 1st day of January, 1853, accruing on account of the earnings of the same.

Which was adopted.

Mr. Marshall moved the following amendment:

Amend by adding to first section as follows, viz:

*Provided*, Said company shall commence the construction of a road to avoid said inclined plane before the first day of January, 1854, and complete the construction thereof before the first day of January, 1856.

Which was adopted.

Mr. Berry moved the following amendment:

Add Sec. —. All the powers given by this act to said company for construction, is extended to all rail road companies heretofore incorporated, to extend branches thereof, and to citizens of this State, to construct such lines of rail road from and to such points as they may choose, within this State.

Mr. Defrees moved to lay the amendment on the table;

Which was decided in the affirmative. Ayes 31; noes 13.

The ayes and noes were demanded by Messrs. Berry and Reid.

*Those who voted in the affirmative were,*

Messrs. Alexander, Athon, Brugh, Cravens, Defrees, Delevan, Dougherty, Dunn, Eddy, Emerson, Goodman, Hatfield, Henton, Hicks, Holloway, James, Kinnard, Knowlton, Longshore, Marshall, McCarty, Miller, Milliken, Niblack, Odell, Secrest, Spann, Teegarden, Washburn, Winstandley, and Witherow.

*Those who voted in the negative were,*

Messrs. Berry, Crawford, Davis, Hanna, Hester, Hickman, Hunt, Mickle, Reid, Slack, Sleeth, Turman, and Walker.

Mr. Slack moved the following amendment:

Strike out the words "forty-four," in the latter part of section 5, and insert in lieu thereof the word "fifty."

Mr. Marshall moved to lay the amendment on the table;

Which was decided in the negative. Ayes 22; noes 23.

The ayes and noes were demanded by Messrs. Slack and Berry.

*Those who voted in the affirmative were,*

Messrs. Alexander, Cravens, Davis, Defrees, Delevan, Dougherty, Eddy, Henton, Hicks, James, Knowlton, Logan, Marshall, McCarty, Miller, Niblack, Odell, Secrest, Walker, Washburn, Winstandley, and Witherow.

*Those who voted in the negative were,*

Messrs. Athon, Berry, Brugh, Crawford, Dunn, Emerson, Goodman, Hanna, Hatfield, Hester, Hickman, Holloway, Hunt, Kinnard, Longshore, Mickle, Milliken, Reid, Slack, Sleeth, Spann, Teegarden, and Turman.

On motion by Mr. Longshore,

The Senate adjourned.

FRIDAY MORNING, 9 o'clock, }  
February 20, 1852. }

The Senate met.

The journal of yesterday was read.

PETITIONS PRESENTED.

By Mr. Hanna:

The petition of sundry citizens of the county of Clay relative to the removal of the seat of justice of that county;

Which,

On his motion,

Was referred to the select committee on that subject.

By Mr. Milliken:

The petition of Aaron Rubardson and others on the subject of the traffic in intoxicating liquors;

Which,

On his motion,

Was laid on the table.

By Mr. Milliken:

The petition of citizens of the State of Indiana, of like import with the above;

Which,

On his motion,

Was laid on the table.

By Mr. Henton:

The petition of citizens of the State of Indiana, praying that the property of Indians may be taxed as other property, for school purposes;

Which,

On his motion,

Was referred to the committee on Education.

By Mr. Holloway:

The proceedings of a meeting in favor of free banking held in Cambridge City, in the county of Wayne;

Which,

On his motion,

Were referred to the committee on that subject.

A message from the House by Mr. Sites, their Clerk:

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the Speaker has signed the following enrolled bills thereof: Nos. 89, 129 and 135.

Which I am directed to bring to the Senate for the signature of the President thereof.

Also, the following message was received from the House of Representatives, by Mr. Sites, their Clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the Speaker has signed the following enrolled joint resolutions thereof: Nos. 10, 16 and 23.

Which I am directed to bring to the Senate for the signature of the President thereof.

Also, the following message :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed joint resolution of the Senate :

No. 48. Entitled "A joint resolution asking an appropriation of Congress to erect public buildings in the city of Indianapolis."

Also, No. 77. Entitled "Joint resolution on the subject of an Agricultural Bureau at Washington City."

Without amendment.

The following message was received from his Excellency the Governor, by Mr. King, his executive messenger:

MR. PRESIDENT :

I am directed by the Governor to inform the Senate that he has approved and signed the following bills, to-wit:

No. 47. An act districting the State for the purpose of electing four Judges for the Supreme Court.

No. 67. A joint resolution directing the publication of the Constitution of this State.

No. 69. A joint resolution on the subject of emigration to Oregon and the Pacific coast.

Which bills originated in the Senate.

## REPORTS SUBMITTED.

By Mr. Turman, from the joint committee on Enrolled Bills :

MR. PRESIDENT:

The joint committee on Enrolled Bills find joint resolutions of the House Nos. 10, 16 and 23 correctly enrolled.

By Mr. Defrees, from a select committee:

MR. PRESIDENT:

The select committee to whom was referred Senate bill No. 35—an act authorizing a general banking law—have instructed me to report the same back with the following amendment, and when so amended recommend its passage:

Strike out all after the enacting clause, and insert the following—

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That it is hereby made the duty of the Auditor of State, on application of any person or association of persons wishing to organize under this act, to cause to be engraved and printed in the best manner to guard against counterfeiting, such quantity of circulating notes, in the similitude of bank notes, in blank, of the different denominations hereinafter authorized to be issued, as may from time to time be needed to meet the demands of those organizations for the purposes of banking.

SEC. 2. Nothing herein contained shall be so construed as to prevent any banker or banking association from procuring their own plates, dies, and other materials for engraving and printing blank notes, and furnishing them to the Auditor, and leaving them ever after in his custody and control, to be used and disposed of as though such Auditor had himself procured them under the preceding section.

SEC. 3. Such bank notes in blank, so procured or placed in the hands of the Auditor as aforesaid, shall be of the denominations usually issued by banks, from one to five hundred dollars; but such notes shall not be of any intermediate number between five and ten dollars, ten and twenty, twenty and fifty, or fifty and one hundred dollars.

SEC. 4. Such blank circulating notes shall be countersigned by such Auditor, and numbered and registered in proper books to be kept for that purpose in his office, and under his direction, by such persons as the Auditor shall appoint, so that each denomination of such circulating notes shall all be of the same similitude, and all bear the uniform signature of such Auditor and register.

SEC. 5. Whenever any person or association of persons formed



for the purpose of banking under this act, shall legally transfer to the Auditor any portion of the stocks or bonds hereinafter specified, such person or association of persons shall be entitled to receive from the Auditor an equal amount of such circulating notes of different denominations, registered and countersigned as aforesaid, to be issued by them in the usual course of banking business as money.

SEC. 6. Such stocks shall consist of any portion of the public debt now created or hereafter to be created by the United States, or by this State, or such other States of the Union as pay interest semi-annually, or at any less period on their public debt; but such public debt shall in all cases except as to Indiana Stocks, be, or be made to be, equal to a stock producing six per cent. per annum: and the public debt of this State so deposited shall be, or be made to be, equal to a stock producing five per cent. per annum; and it shall not be lawful for the Auditor to take any stock at a rate above its par value, nor above its market value.

SEC. 7. Such person or association of persons are hereby authorized, after having executed and signed such circulating notes in the manner required by law to make them obligatory promissory notes, payable on demand at the place of business within this State of such person or association, to loan and circulate the same as money, according to the ordinary course of banking business, as regulated by the laws and usages of this State.

SEC. 8. In case the maker or makers of any such circulating notes, countersigned and registered as aforesaid, shall at any time hereafter, on lawful demand at the place of business specified in such note, during the usual hours of business, fail or refuse to redeem such note in the lawful money of the United States, the holder of such note making such demand may cause the same to be protested for non-payment by a notary public, in the usual manner, and the Auditor, on receiving and filing in his office such protest, shall forthwith give written notice to the maker or makers of such note to pay the same; and if he or they shall omit to do so for thirty days after such notice, the Auditor shall immediately, (unless he shall be satisfied that there is a good and legal defence against the payment of such note or notes,) give notice in one of the newspapers published at Indianapolis, that all the circulating notes issued by such person or association will be redeemed out of the stocks held by him in trust for that purpose; and it shall be lawful for the Auditor to apply the said trust funds belonging to the maker or makers of such protested notes, to the payment and redemption of such notes with costs of protest, and to adopt such measures for the payment of all such circulating notes put in circulation by the maker or makers of such protested notes, pursuant to the provisions of this act, as will in his opinion, most effectually prevent loss to the holders thereof.

SEC. 9. The Auditor may give any person or association so transferring stock in pursuance of the provisions of this act, powers of attorney to receive interest or dividends thereon, which such per-

son or association may receive and apply to their own use; but such powers may be revoked upon such person or association failing to redeem the circulating notes so issued, or whenever, in the opinion of the Auditor, the principal of such stock shall become an insufficient security; said Auditor also, at the instance of the owners of such stock so transferred in trust as aforesaid, may in his discretion change or transfer the same for other stocks of the same kinds specified above in this act; or may retransfer the said stocks, or any part thereof, upon receiving and cancelling an equal amount of such circulating notes delivered by him to such person or association, in such manner that the circulating notes shall always be secured in full by such stocks, and shall not be reduced or withdrawn as aforesaid, below the value of fifty thousand dollars of the stocks of any person or association so transferred as aforesaid.

SEC. 10. The bills or notes so to be countersigned, and the payment of which shall be so secured as aforesaid, shall be stamped on their face, "Secured by the pledge of Public Stocks."

SEC. 11. In case such person or association of persons shall fail or refuse to pay such bills or notes on demand, in the manner specified in the eighth section of this act, the Auditor, after the thirty days' notice therein mentioned, may proceed to sell at public auction the public stocks so pledged, and out of the proceeds of such sale shall pay and cancel the bills or notes, default in paying which shall have been made as aforesaid; but such sale shall be made in the city of New York, unless the banker or banking association give to the Auditor written consent, duly authenticated, that such stocks may be sold at Indianapolis.

SEC. 12. Nothing in this act contained shall be considered as implying any pledge on the part of the State for the payment of said bills or notes, beyond the proper application of the securities pledged with the Auditor for their redemption; nor shall anything herein contained be construed to empower any person or association to conduct or carry on the business of banking at any other than the place of business of such individual banker or banking association, which place of business shall in every instance be the same at which their small bank bills respectively are made payable.

SEC. 13. The public stocks to be deposited with the Auditor by any such person or association, shall be held by him exclusively for the redemption of the bills or notes of such person or association, put in circulation as money until the same are paid; and shall in no case be held for the benefit of any depositor or other person having business with such individual banker or banking association, until after the issue of said bank is redeemed.

SEC. 14. The plates, dies and materials to be procured by the auditor, for the printing and making of the circulating notes provided for hereby, shall remain in his custody and under his direction; and the expenses necessarily incurred in executing the provisions of this act, shall be audited and settled by the auditor, and paid out of any

moneys in the treasury not otherwise appropriated; and for the purpose of reimbursing the same, the said auditor is hereby authorized and required to charge against and receive from such person or association applying for such circulating notes, such rate per cent. thereon as may be sufficient for that purpose, and as may be just and reasonable.

**SEC. 15.** All plates, dies, and such like materials of, and peculiar to, any individual banker or banking association which shall have closed business, either by its own voluntary act or by operation of law under the direction of the auditor, shall be by such auditor in the presence of the Governor and treasurer of State, destroyed; and such destruction, specifying the articles so destroyed, shall be officially certified to by all the three aforesaid officers.

**SEC. 16.** It shall not be lawful for the Auditor or other officer to countersign bills or notes for any person or association of persons to an amount, in the aggregate, exceeding the public stocks, at their value as provided in the sixth section of this act, deposited with the Auditor by such person or association; and any Auditor or other officer who shall violate the provisions of this section, shall, upon conviction, be punished in such manner as the criminal laws of the State may direct.

**SEC. 17.** Any number of persons may associate to establish offices of discount, deposit and circulation, upon the terms and conditions, and subject to the liabilities prescribed in this act; but the aggregate amount of the capital stock of any such association, shall not be less than fifty thousand dollars.

**SEC. 18.** Such persons, under their hands and seals, shall make a certificate which shall specify,

*First.* The name assumed to distinguish such association, and to be used in its dealings;

*Second.* The place where the operations of discount and deposit of such association are to be carried on, designating the particular city, town or village;

*Third.* The amount of the capital stock of such association, and the number of shares into which the same shall be divided;

*Fourth.* The names and places of residence of the shareholders, and the number of shares held by each of them respectively.

*Fifth.* The period at which said association shall commence and terminate; which certificate shall be proved or acknowledged, and recorded in the office of the clerk of the county where the office of such association shall be established, and a copy thereof filed in the office of the Secretary of State.

**SEC. 19.** The certificate required by the last preceding section to be recorded and filed in the offices of the clerk of the county and Secretary of State as aforesaid, or copies thereof duly certified by either of those officers, may be used as evidence in all courts and places for and against any such association, and shall be prima facie evidence of the facts therein contained.

SEC. 20. Such association shall have power to carry on the business of banking by discounting bills, notes, and other evidences of debt, by receiving deposits, by buying and selling gold and silver bullion, foreign coin and bills of exchange, in the manner specified in their articles of association for the purposes authorized by this act; by loaning money on real and personal security, and by exercising such incidental powers as shall be necessary to carry on such business; to choose one of their number as president of such association, and to appoint a cashier, and such other officers and agents as their business may require, and to remove such president, cashier, officers and agents, at pleasure, and appoint others in their place.

SEC. 21. The shares of said association shall be deemed personal property, and shall be transferable on the books of the association in such manner as may be agreed on in the articles of association; and every person becoming a shareholder by such transfer, shall, in proportion to his shares, succeed to all the rights and liabilities of prior shareholders; and no change shall be made in the articles of association, by which the rights, remedies or security of its existing creditors shall be weakened or impaired. Such association shall not be dissolved by the death or insanity of any of the shareholders therein; nor shall any such transfer operate to release the party so transferring from the operation of section twenty-fifth of this act, making stockholders liable over and above their stock to an amount equal to such stock: *Provided*, That such individual liability of such stockholder so transferring as aforesaid, shall not extend beyond the period of ninety days from the time such transfer shall be reported to or otherwise filed in the office of the Auditor of State.

SEC. 22. It shall be lawful for any association of persons organized under this act by their articles of association, to provide for an increase of their capital and of the number of the associates, from time to time as they may think proper; and in case of any shares of stock held in the name of one person, but in whole or in part for the use and benefit or as the property of another, both the person in whose name such stock is held, and the person for whose use it is so held, shall be subject to the operation of the twenty-fifth section of this act, making stockholders liable over and above their stock to an amount equal to such stock.

SEC. 23. Contracts made by any such associations, and all notes and bills by them issued and put in circulation as money, shall be signed by the president or vice president and cashier thereof; and all suits, actions and proceedings brought or prosecuted by or on behalf of such association, may be brought or prosecuted in the name of the president thereof; and no such suit, action or proceeding shall abate by reason of the death, removal from office, or resignation of such president, but may be continued and prosecuted according to such rules as the courts of law may direct, in the name of his successor in office, who shall exercise the powers, enjoy the rights, and discharge the duties of his predecessor.

SEC. 24. All persons having demands against any such associations, may retain actions against the president thereof; which suits or actions shall not abate by reason of the death, resignation or removal from office of such president, but may be continued and prosecuted to judgment against his successor; and all judgments and decrees obtained or rendered against such president for any debt or liability of such association, shall be enforced first against the joint property of the association, and which property shall be liable to be taken and sold by execution under any such judgment or decree.

SEC. 25. Every shareholder of any such association shall be liable in his individual capacity for any contract, debt or engagement of such association, to an amount over and above his stock equal to the amount of his shares of such stock.

SEC. 26. It shall be lawful for such association to purchase, hold and convey real estate for the following purposes:

*First.* Such as shall be necessary for its immediate accommodation in the convenient transaction of its business; or,

*Second.* Such as shall be mortgaged to it in good faith by way of security for loans made by, or moneys due to such association; or

*Third.* Such as shall be conveyed to it in satisfaction of debts previously contracted in the course of its dealings; or

*Fourth.* Such as it shall purchase at sales under judgments, decrees or mortgages held by such association.

The said association shall not purchase, hold or convey real estate in any other case or for any other purpose; and all conveyances of such real estate shall be made to the president, or such other officer as shall be indicated for that purpose in the articles of association: and which president or officer, and his successors, from time to time may sell, assign and convey the same, free from any claim thereon, against any of the shareholders, or any person claiming under them; and all such real estate not absolutely necessary, for the convenient discharge of its business shall be set up at least once a year at public sale after having given thirty days notice of the time and place of such sale describing the property so to be sold and the name of the mortgagor in at least one newspaper in the county where such bank or office of such person or association is kept, and placing three written notices in the most public places in the town, city or village where said bank or office is situated, and shall be sold if the same will bring the amount of the debt, interests and costs for which the same may have been bought, received or taken by the said bank or association, and which shall remain after deducting all profits received therefor.

SEC. 27. Such association shall, on the first Mondays of January and July, in every year, after having commenced the business of banking, as prescribed by this act, make out and transmit to the auditor, in the form to be provided by him, a full statement of the affairs of the association, verified by the oaths of the president or cashier, which statement shall contain:

*First.* The amount of the capital stock, including that deposited with the auditor, paid in according to the provisions of this act.

*Second.* The value of the real estate of the association, specifying what portion is occupied by the association as necessary to the transaction of business.

*Third.* The shares of stock held by such association, whether absolutely or as collateral security, specifying each kind and description of stock, and the number and value of the shares of each.

*Fourth.* The amount of debts due to the association, specifying such as are due from moneyed or other corporations or associations; and also specifying the amount secured by judgment, and the amount which ought to be included in the computation of losses.

*Fifth.* The amount of debts due by such association, specifying such as are payable on demand, and such as are due to moneyed or other corporations or associations.

*Sixth.* The amount of claims against the association, not acknowledged by it as debts.

*Seventh.* The amount of notes, bills, or other evidences of debt issued by such association.

*Eighth.* The amount of the losses of the association, specifying whether charged on its capital or profits, since its last preceding statement, and of its dividends declared and made during the same period.

*Ninth.* The average amount in each month during the preceding six months, of the debts due to and from the association, the average amount of specie possessed by the same during each month, and the amount of bills and notes issued by such association and put in circulation as money, and outstanding against the association, on the first day of each of the preceding six months.

*Tenth.* The average amount in each month during the preceding six months, due to the association, from all the shareholders in the association; also, the greatest amount due to the association in each of the said preceding six months, from all the shareholders in such association.

*Eleventh.* The amount which the capital of the said association has been increased during the preceding six months, if there shall have been any increase of the said capital, and the names of any persons who may have become parties to the said articles of association, or may have withdrawn therefrom since their last report.

It shall be the duty of the auditor to cause the statement required to be made by this section, to be published in a newspaper printed in the county where the place of business of such association is situated, and in some paper published at Indianapolis, the expense of which shall be paid by such association: *Provided*, That such private banker or banking association may select such paper and make the contract for such publication.

SEC. 28. If such association shall neglect to make out and transmit the statement required in the last preceding section, for one

month beyond the period when the same is required to be made, or shall violate any of the provisions of this act, such association may be proceeded against and dissolved by the court, on application of the auditor, or any creditor thereof, in the same manner as any moneyed corporation may be proceeded against and dissolved.

SEC. 29. If any portion of the original capital of any such association shall be withdrawn for any purpose whatever, whilst any debts of the association remain unsatisfied, no dividends or profits on the shares of the capital stock of the association shall thereafter be made, until the deficit of capital shall have been made good, either by subscription of the shareholders, or out of the subsequently accruing profits of association, and if it shall appear that any such dividends have been made, it shall be the duty of the circuit court of the proper county to make the necessary orders and decrees for closing the affairs of the association, and distributing its property and effects among its creditors and shareholders.

SEC. 30. The president and cashier of every association formed pursuant to the provisions of this act, shall at all times keep a true and correct list of the names of all the shareholders of such association, and shall file a copy of such list in the office of the clerk of the county where any office of such association may be located, and also in the office of the auditor of State, on the first Mondays of January and July in every year.

SEC. 31. It shall not be lawful for any association formed under the provisions of this act, to make any of its bills or notes of a denomination less than five hundred dollars, to be put in circulation as money, payable at any other place than at the office where the business of the association is carried on and conducted.

SEC. 32. The legislature may at any time alter or repeal this act by a two-thirds vote of both Houses.

SEC. 33. No association of persons authorized to carry on the business of banking under this act, shall at any time, for the space of twenty days, have on hand at their place of business less than twelve and a-half per cent. in specie, on the amount of the bills or notes in circulation as money.

SEC. —. That whenever it is clearly proven that any note or bill issued by any bank or association authorized by this act has been irrecoverably destroyed or lost, such person who may have been the holder thereof, shall be entitled to recover the amount so lost or destroyed.

SEC. —. Every officer, agent or clerk of said bank or association, who shall wilfully and knowingly subscribe or make any false statement or statements, or false entries in the books of such person or association, or shall wilfully and knowingly subscribe or exhibit false papers with the intent to deceive any person authorized to examine as to the condition of such bank or association, or shall wilfully and knowingly subscribe or make false reports, shall be deemed guilty of felony, and shall be subjected to imprisonment at hard la-

bor in the State Prison for such term of years as the jury trying the case may think proper; and likewise any commissioner, examiner, master in chancery or judge, wilfully and knowingly subscribing or making any false report shall be deemed guilty of felony, and be subject to like penalties.

SEC. —. No director shall either directly or indirectly borrow from said bank or association, or loan, discount or by any other mode, an amount larger than double the amount of stock owned and held by him in said company, except on *bona fide* bills of exchange, drawn payable out of this State.

SEC. —. This act to be in force from and after the first day of July, 1852.

Mr. Secrest moved the following amendment to the amendment of the committee.

Insert after the words "this State," in the 2d line of section 6—  
And railroad stock in any railroad company in this State paying an annual dividend of at least six per cent.

Which was decided in the negative—ayes 3, noes 41.

The ayes and noes were demanded by Messrs. Secrest and Athon.

*Those who voted in the affirmative were,*

Messrs. Marshall, Secrest, and Washburn.

*Those who voted in the negative were,*

Messrs. Alexander, Athon, Berry, Brugh, Cravens, Crawford, Davis, Dawson, Defrees, Delevan, Dougherty, Dunn, Eddy, Emerson, Goodman, Hatfield, Henton, Hester, Hickman, Hicks, Holloway, Hunt, Kendall, Kinnard, Logan, Longshore, McCarty, Mickle, Miller, Milliken, Niblack, Odell, Reid, Slack, Sleeth, Spann, Teegarden, Turman, Walker, Winstandley and Witherow.

Mr. Eddy moved to lay the bill and pending amendments on the table and make them the special order of the day for Wednesday, March 3d, 1852.

Which motion prevailed.

Mr. Kinnard offered the following resolution:

*Resolved*, That the committee on Roads inquire into the propriety of inserting into the road law now under consideration and revision by them the following sections:

That when any public highway in this State, or any land owned



by any citizen thereof, shall be damaged by the overflowing of any stream, pond or lake, the owners of said land may petition the county board of the proper county to appoint three disinterested freeholders who, being duly sworn, shall examine the road or land so damaged, and also the stream, pond or lake causing the same by said overflowing, who may assess a tax not exceeding — per cent. on the value of the adjoining lands for the purpose of raising levees, embankments, or make side ditches to protect or drain the same from said overflowage.

The said tax shall be collected as road taxes are assessed and collected, and shall be expended under the orders of the boards doing county business, either by the supervisor of the road, or by the owners of the land so damaged and injured.

Which was adopted.

#### ORDERS OF THE DAY.

##### *Bills on their third reading.*

House bill No. 103. A bill to provide for the speedy redemption of outstanding treasury notes of the State of Indiana;

Was read a third time; and,

The question being, Shall the bill pass?

It was decided in the affirmative. Ayes 41; noes 1.

##### *Those who voted in the affirmative were,*

Messrs. Alexander, Athon, Berry, Brugh, Crawford, Davis, Dawson, Defrees, Delevan, Dougherty, Dunn, Eddy, Emerson, Goodman, Hatfield, Henton, Hickman, Hicks, Holloway, Hunt, Kendall, Kinnard, Knowlton, Logan, Longshore, Marshall, McCarty, Mickle, Miller, Milliken, Odell, Reid, Secrest, Slack, Sleeth, Spann, Teegarden, Turman, Walker, Washburn, and Witherow.

Mr. Niblack voted in the negative.

House joint resolution No. 24. A joint resolution on the subject of a ship canal around the rapids of St. Mary's river, connecting lake Superior with the other lakes;

Was read a third time,

And the question being, Shall the joint resolution pass?

It was decided in the affirmative. Ayes 37; noes none.

*Those who voted in the affirmative were,*

Messrs. Alexander, Athon, Berry, Brugh, Crawford, Davis, Defrees, Delevan, Dougherty, Dunn, Eddy, Emerson, Goodman, Henton, Hickman, Hicks, Holloway, Hunt, Kendall, Knowlton, Longshore, Marshall, McCarty, Mickle, Milliken, Niblack, Odell, Reid, Secrest, Slack, Sleeth, Spann, Teegarden, Walker, Washburn, Winstandley, and Witherow.

#### BILLS ON THEIR SECOND READING.

House bill No. 82. A bill to enable the Madison and Indianapolis Railroad Company to avoid the inclined plane at Madison; to provide for the sale of the interest of the State in said railroad, and to repeal, so far as affects the Madison and Indianapolis Railroad Company, the 55th and 58th sections of the act entitled "an act for the continuance and construction of all or any part of the public works of this State by private companies, and for abolishing the Board of Internal Improvements, and the offices of Fund Commissioner and Chief Engineer," approved January 28, 1842.

The question being on the amendment pending at the adjournment on yesterday, to strike out "forty-four" and insert "fifty," as proposed by Mr. Slack,

Mr. Longshore moved the previous question;

Which was not seconded; ayes 12, noes 31.

The ayes and noes were demanded by Messrs. Slack and Defrees.

*Those who voted in the affirmative were,*

Messrs. Crawford, Dawson, Delevan, Holloway, Knowlton, Logan, Longshore, Marshall, Miller, Niblack, Odell, and Reid.

*Those who voted in the negative were,*

Messrs. Alexander, Athon, Berry, Brugh, Cravens, Davis, Defrees, Dougherty, Dunn, Eddy, Emerson, Goodman, Hatfield, Henton, Hickman, Hicks, Hunt, Kendall, Kinnard, McCarty, Mickle, Milliken, Slack, Sleeth, Spann, Teegarden, Turman, Walker, Washburn, Winstandley and Witherow.

The question recurring on Mr. Slack's amendment,

It was decided in the negative. Ayes 18; noes 25.

The ayes and noes were demanded by Messrs. Slack and Berry.

*Those who voted in the affirmative were,*

Messrs. Alexander, Athon, Berry, Davis, Dunn, Hanna, Hatfield, Hickman, Hunt, McCarty, Mickle, Milliken, Reid, Slack, Sleeth, Spann, and Turman.

*Those who voted in the negative were,*

Messrs. Brugh, Cravens, Crawford, Dawson, Defrees, Delevan, Emerson, Goodman, Henton, Hicks, Holloway, Kendall, Kinnard, Knowlton, Logan, Longshore, Marshall, Miller, Niblack, Odell, Teegarden, Walker, Washburn, Winstandley and Witherow.

Mr. Slack moved the following amendment:

Amend as follows—

Strike all out of the 5th section after the word "State" in the 7th line.

Which was decided in the negative—ayes 21, noes 24.

The ayes and noes were demanded by Messrs. Slack and Witherow.

*Those who voted in the affirmative were,*

Messrs. Athon, Berry, Davis, Defrees, Dougherty, Dunn, Eddy, Hanna, Hatfield, Hickman, Holloway, Hunt, McCarty, Mickle, Milliken, Niblack, Reid, Slack, Sleeth, Spann, and Turman.

*Those who voted in the negative were,*

Messrs. Alexander, Brugh, Cravens, Crawford, Dawson, Delevan, Emerson, Goodman, Henton, Hicks, Kendall, Kinnard, Knowlton, Logan, Longshore, Marshall, Miller, Odell, Secrest, Teegarden, Walker, Washburn, Winstandley, and Witherow.

Mr. Slack moved the following amendment:

Amend by striking out all that part which relates to the company issuing their bonds to the State, in the 5th line.

Pending which,

On motion by Mr. Hanna,

The Senate adjourned.

2 o'clock, P. M.

The Senate met.

Mr. Goodman moved to suspend the order of business to enable him to offer a resolution;

Which being agreed to, he offered the following:

*Resolved*, That five thousand copies of the address on Popular Education recently delivered in the Hall of the House of Representatives by the Rev. Sam'l K. Hoshour, and a like number of copies of an address to the Legislature of Indiana, on Popular Education, "by one of the people," be printed for distribution.

Mr. Athon moved the following amendment:

Amend by also inserting the address of Prof. Read, delivered in the Hall of the House of Representatives.

The question being on the adoption of the amendment,

It was decided in the negative—ayes 11, noes 30.

The ayes and noes were demanded by Messrs. Athon and Emerson.

*Those who voted in the affirmative were,*

Messrs. Athon, Emerson, Hester, Hicks, McCarty, Milliken, Niblack, Secrest, Spann, Teegarden, and Turman.

*Those who voted in the negative were,*

Messrs. Alexander, Berry, Brugh, Davis, Dawson, Defrees, Delevan, Dougherty, Dunn, Eddy, Goodman, Hatfield, Henton, Hickman, Holloway, Hunt, Kendall, Kinnard, Knowlton, Logan, Longshore, Marshall, Miller, Odell, Reid, Slack, Walker, Washburn, Winstandley, and Witherow.

The question recurring on the adoption of the resolution.

It was decided in the affirmative—ayes 33, noes 10.

The ayes and noes were demanded by Messrs. Longshore and Emerson.

*Those who voted in the affirmative were,*

Messrs. Alexander, Athon, Brugh, Crawford, Defrees, Delevan,

Dunn, Goodman, Hanna, Hatfield, Hester, Hickman, Holloway, Hunt, Kendall, Kinnard, Knowlton, Logan, Longshore, Marshall, McCarty, Miller, Niblack, Odell, Reid, Secrest, Slack, Spann, Teegarden, Turman, Walker, Winstandley and Witherow.

*Those who voted in the negative were,*

Messrs. Berry, Cravens, Davis, Dawson, Dougherty, Emerson, Henton, Hicks, Milliken and Washburn.

The consideration of the question pending at adjournment, being to strike out of House bill No. 82, all that part relating to the company's issuing their bonds, was resumed.

Mr. Marshall moved a call of the Senate.

Which was ordered.

On motion,

The absentees were sent for.

On motion by Mr. Dougherty,

A further call was suspended.

The question recurring on the adoption of the amendment proposed by Mr. Slack.

Mr. Longshore moved the previous question.

Which was not seconded—ayes 11, noes 32.

The ayes and noes were demanded by Messrs. Slack and Athon.

*Those who voted in the affirmative were,*

Messrs. Brugh, Crawford, Dawson, Holloway, Longshore, Marshall, Miller, Odell, Secrest, Teegarden and Winstandley.

*Those who voted in the negative were,*

Messrs. Alexander, Athon, Berry, Cravens, Defrees, Delevan, Dougherty, Dunn, Eddy, Emerson, Hanna, Hatfield, Henton, Hester, Hickman, Hicks, Hunt, Kendall, Kinnard, Knowlton, Logan, McCarty, Mickle, Milliken, Niblack, Reid, Slack, Spann, Turman, Walker, Washburn and Witherow.

The question then being, "will the Senate adopt the amendment proposed by Mr. Slack.

It was decided in the affirmative—ayes 24, noes 19.

The ayes and noes were demanded by Messrs. Slack and Athon.

*Those who voted in the affirmative were,*

Messrs. Alexander, Athon, Berry, Cravens, Delevan, Dougherty,

Dunn, Hatfield, Hester, Hickman, Holloway, Hunt, Kinnard, Knowlton, McCarty, Mickle, Miller, Milliken, Niblack, Reid, Slack, Sleeth, Spann and Turman.

*Those who voted in the negative were,*

Messrs. Brugh, Crawford, Dawson, Defrees, Eddy, Emerson, Henton, Hicks, Kendall, Logan, Longshore, Marshall, Odell, Secrest, Teegarden, Walker, Washburn, Winstandley and Witherow.

Mr. Marshall moved the following amendment:

That the company may pay to the State, in lieu of the stocks herein mentioned, as each instalment becomes due, the market value of said instalment of stocks so to be paid, in cash. The said market value to be the market value of said bond in the city of New York on the 1st day of July, 1854.

Mr. Slack moved the following amendment to the amendment:  
Amend the amendment as follows—

Said stocks being estimated at their highest general rate of value between the first day of January, 1853, and the first day of January, 1854, inclusive, at the stock exchange in the city of New York.

The question being on the adoption of the amendment to the amendment,

It was decided in the affirmative; ayes 28, noes 14.

The ayes and noes were demanded by Messrs. Slack and Witherow.

*Those who voted in the affirmative were,*

Messrs. Athon, Berry, Defrees, Dougherty, Dunn, Eddy, Emerson, Hatfield, Henton, Hester, Hickman, Hicks, Hunt, Kendall, Kinnard, Knowlton, Logan, Mickle, Milliken, Reid, Slack, Sleeth, Spann, Turman, and Witherow.

*Those who voted in the negative were,*

Messrs. Alexander, Brugh, Cravens, Crawford, Dawson, Delevan, Holloway, Longshore, Marshall, Miller, Niblack, Odell, Secrest, Teegarden, Walker, Washburn, and Winstandley.

The question then being on the adoption of the amendment as amended,

It was decided in the affirmative. Ayes 25; noes 17.

The ayes and noes were demanded by Messrs. Hunt and Miller.

*Those who voted in the affirmative were,*

Messrs. Alexander, Athon, Brugh, Cravens, Dawson, Defrees, Del-  
evan, Dougherty, Eddy, Hatfield, Henton, Hickman, Hicks, Hunt,  
Kinnard, Knowlton, Logan, Marshall, McCarty, Mickle, Miller, Odell,  
Secrest, Spann, Turman, Walker, Winstandley, and Witherow.

*Those who voted in the negative were,*

Messrs. Berry, Dunn, Emerson, Hanna, Hester, Holloway, Long-  
shore, Millikin, Niblack, Reid, Slack, Sleeth, Teegarden, and Wash-  
burn.

On motion by Mr. Mickle,  
The Senate adjourned.

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SATURDAY MORNING, }  
February 21, 1852. }

The Senate met.

The Journal of yesterday was read.

#### ORDERS OF THE DAY.

*Bills on their Second Reading.*

The consideration of the question pending at the adjournment on  
yesterday being, shall House bill No. 82, be ordered to a third read-  
ing, was resumed.

Mr. Slack moved to recommit the bill to a select committee.

Which was decided in the affirmative. Ayes 24; noes 19.

The ayes and noes were demanded by Messrs. Slack and Reid.

*Those who voted in the affirmative were,*

Messrs. Athon, Berry, Brugh, Delevan, Dougherty, Dunn, Goodman, Hatfield, Hester, Hickman, Holloway, Hunt, Kinnard, Knowlton, McCarty, Mickle, Milliken, Niblack, Odell, Reid, Slack, Sleeth, Spann, and Washburn.

*Those who voted in the negative were,*

Messrs. Alexander, Davis, Dawson, Defrees, Eddy, Emerson, Hanna, Henton, Hicks, Kendall, Logan, Longshore, Marshall, Secrest, Teegarden, Turman, Walker, Winstandley and Witherow.

Messrs. Slack, McCarty, Cravens, Secrest and Marshall were appointed said committee.

No. 90. A bill to provide for a general and uniform system of common schools, providing for the election and defining the duties of township trustees, circuit superintendents and State Superintendent of Public Instruction, providing for the custody and sale of the school land, the loaning of school funds, and the distribution thereof; the powers of the qualified voters of the township; of the powers and duties of incorporated cities in relation to schools; of the duties of teachers and the evidence of their qualifications; for township school libraries and the custody and management thereof; for taxes in aid of school funds, and for the establishment of township libraries; defining the duties of county auditors and treasurers, and the Auditor and Treasurer of State; in relation to schools and school funds and township libraries; compensation of officers; liability thereof for neglect of duty; duties of county commissioners and school commissioners; for a State Board of Education and the duties thereof; and the division of the State into school circuits; of the qualifications of voters in school corporations and their power;  
Was read a second time by its title: when,

On motion by Mr. Mickle,

It was made the special order of the day.

The bill was then considered as in committee of the whole.

The committee, after having the bill under consideration,

On motion,

Arose; when,

Mr. Mickle, the chairman thereof, submitted the following report:

MR. PRESIDENT:

The committee of the Whole, to whom was referred Senate bill



No. 90, have, according to order, had the same under consideration, and have directed me to report the same back to the Senate for its action, and ask to be discharged from the further consideration of the subject.

Which was not concurred in.

Mr. Athon moved to lay the bill on the table.

Which was decided in the affirmative. Ayes 25; noes 14.

The ayes and noes were demanded by Messrs. Athon and Teegarden.

*Those who voted in the affirmative were,*

Messrs. Alexander, Athon, Brugh, Davis, Dawson, Delevan, Eddy, Henton, Hickman, Hicks, Holloway, Kendall, Kinnard, Marshall, McCarty, Mickle, Niblack, Odell, Reid, Secrest, Sleeth, Turman, Walker, Washburn, and Winstandley.

*Those who voted in the negative were,*

Messrs. Cravens, Defrees, Dunn, Emerson, Goodman, Hatfield, Hunt, Knowlton, Miller, Milliken, Slack, Spann, Teegarden, and Winstandley.

House bill No. 157. A bill for the relief of Samuel H. Patterson, and to reduce his rent as lessee of the Penitentiary;

Was read a second time by its title; when,

On motion by Mr. Winstandley,

It was referred to the committee on the State Prison.

House bill No. 118. A bill authorizing alien friends to take, by descent or devise, real estate, and dispose of the same, and releasing to alien friends lands heretofore escheated to the State; and requiring such alien friends, within five years, either to sell and convey said lands to citizens of this State, or remove themselves to this State, and declare their intention to become citizens of the United States; and providing for the appointment of guardians for such of such alien friends as may be minors, and authorizing such guardians to sell and convey such real estate;

Was read a second time by its title; and,

On motion by Mr. Slack,

Referred to the committee on Education.

House bill No. 136. A bill declaratory of the law regulating marriages, and enforcing the same by proper penalties;

Was read a second time, when,  
 On motion by Mr. Niblack,  
 It was referred to the committee on the Judiciary.

The President laid before the Senate a communication from James M. Ray, cashier of the State Bank,  
 Which,  
 On motion by Mr. Slack,  
 Was laid on the table, and 250 copies ordered to be printed.

The following message was received from the House of Representatives, by Mr. Sites, their Clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bills thereof:

No. 164. Entitled "An act to repeal an act entitled an act to amend an act authorizing the construction of Plank roads, approved January 15th, 1849,—approved January 14th, 1850." Also,

No. 165. Entitled "An act for the repeal of an act limiting the fees of the auditor, in the county of Marshall."

In which the concurrence of the Senate is respectfully requested.

The accompanying bills were each read a first time, and passed to a second reading.

Also, the following message:

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof:

No. 144. Entitled "An act authorizing the proof of deeds and mortgages in certain cases therein named, for the purpose of admitting the same to record, and legalizing all records of deeds thirty years old."

In which the concurrence of the Senate is respectfully requested.

The accompanying bill was read a first time and passed to a second reading.

Also, the following message:

MR. PRESIDENT :

I am directed by the House of Representatives to inform the

Senate that the House has concurred in the first, second and third engrossed amendments of the Senate to engrossed bill of the House

No. 122. Entitled "An act to provide for the organization of County Boards, and defining their powers and duties," and refuse to concur in the fourth and fifth engrossed amendments.

On motion by Mr. Slack,  
The Senate insisted on their amendment.

Also, the following message:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof:

No. 81. Entitled "An act to provide for the election of State and county officers, and repealing all former acts inconsistent with the same.

Also, No. 38. Entitled "A bill providing for the incorporation of bridge companies;

Also, No. 158. Entitled "An act to legalize the election of directors of bridge companies, and the acts of such directors, and fixing a time for holding the election, and prescribing the term of office of such directors.

In all of which the concurrence of the Senate is respectfully requested.

The accompanying bills were each read a first time, and passed to a second reading.

Mr. Turman, from the joint committee on Enrolled Bills, submitted the following report:

MR. PRESIDENT.

House bills Nos. 89, 129 and 135, and House joint resolutions Nos. 10, 16 and 23, were on yesterday presented to the Governor by the joint committee on Enrolled Bills.

On motion by Mr. Mickle,  
The Senate adjourned.

2 o'clock, P. M.

The Senate met.

Mr. Mickle moved a call of the Senate.

Which was ordered.

On motion by Mr. Emerson,

Leave of absence was granted to the select committee on House bill No. 82.

On motion by Mr. Winstandley,

The call was suspended.

Mr. Slack, from a select committee, submitted the following report:

MR. PRESIDENT:

The select committee to which was referred House bill No. 82, have had the same under consideration, and have requested me to report the same back with the accompanying amendments, and when adopted, they recommend the passage of the bill.

Strike out all after the word "State," in the 7th line of the 5th section, including the proviso.

Strike out the amendments made by the Senate to said section, and insert the following at the end of the 6th section.

*Provided*, That the company may pay each of said instalments by paying to the Treasurer of State the sum of seventy-five thousand dollars in money with interest thereon from the 13th day of January, 1853, at the rate of six per cent. per annum.

Strike out the 7th and 8th sections of the bill.

Mr. Emerson moved to strike out 90 and insert 30 as the number of days within which the company shall accept the terms provided in the bill.

Mr. Secrest moved to lay the motion on the table.

Which was decided in the affirmative—ayes 34, noes 9.

The ayes and noes were demanded by Messrs. Emerson and Secrest.

*Those who voted in the affirmative were,*

Messrs. Alexander, Brugh, Cravens, Davis, Defrees, Delevan, Dougherty, Goodman, Hanna, Henton, Hicks, Holloway, Hunt, Kendall, Kinnard, Knowlton, Logan, Marshall, McCarty, Mickle, Miller, Milliken, Odell, Secrest, Slack, Sleeth, Spann, Teegarden, Turman, Walker, Washburn, Winstandley, and Witherow.

*Those who voted in the negative were,*

Messrs. Berry, Dawson, Dunn, Eddy, Emerson, Hatfield, Hickman and Reid.

The question then being, shall the amendments be engrossed, and the bill ordered to a third reading?

It was decided in the affirmative—ayes 32, noes 11.

The ayes and noes were demanded by Messrs. Emerson and Slack.

*Those who voted in the affirmative were,*

Messrs. Alexander, Brugh, Cravens, Davis, Dawson, Defrees, Delevan, Dougherty, Eddy, Goodman, Hanna, Henton, Hickman, Hicks, Hunt, Kendall, Kinnard, Logan, Longshore, Marshall, Mickle, Odell, Reid, Secrest, Slack, Spann, Turman, Walker, Washburn, Winstandley, and Witherow.

*Those who voted in the negative were,*

Messrs. Berry, Dunn, Emerson, Hatfield, Holloway, Knowlton, McCarty, Miller, Milliken, Sleeth, and Teegarden.

Mr. Davis moved to suspend the rules, and read the bill a third time now;

Which was decided in the negative; ayes 26, noes 17.

*Those who voted in the affirmative were,*

Messrs. Athon, Brugh, Cravens, Davis, Defrees, Delevan, Goodman, Hanna, Henton, Hicks, Hunt, Kendall, Kinnard, Logan, Longshore, Marshall, Miller, Niblack, Odell, Secrest, Slack, Sleeth, Walker, Washburn, Winstandley, and Witherow.

*Those who voted in the negative were,*

Messrs. Alexander, Berry, Dawson, Dougherty, Dunn, Eddy, Emerson, Hatfield, Hickman, Holloway, McCarty, Mickle, Milliken, Reid, Spann, Teegarden, and Turman.

Mr. Milliken offered the following resolution:

*Resolved*, That the Cashier of the State Bank be requested to report to the Senate, at as early a day as practicable, the amount of semi-annual dividends declared by each Branch for the last five

years; also, the amount of any extra dividends that may have been declared in that time, and also the whole amount of the surplus fund, and the amount added to it semi-annually for the last five years; also, the amount of any suspended items of profit not carried to the profit account; also, the amount of debt suspended which is entirely lost in each Branch in the same time, and the amount of the suspended debt in each on which there is security so as to make its collection, with interest probable; also, the value of all real estate, including banking houses and furniture thereof, owned by each Branch.

Which was adopted.

On motion by Mr. Mickle,  
The Senate adjourned.

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MONDAY MORNING, }  
February 23, 1852. }

The Senate met.

The Journal of Saturday was read.

#### PETITIONS.

Mr. Milliken presented the petition of sundry citizens of the State on the subject of temperance;

Which,

On motion,

Were laid on the table.

#### REPORTS SUBMITTED.

By Mr. Athon, from the committee on the State Prison:

MR. PRESIDENT:

The standing committee on the State's Prison, to whom was re-

ferred House bill No. 157, relative to reducing the rents of the lessee of said prison, have had the same under consideration, and have directed me to report it back to the Senate and recommend its passage, and ask to be discharged from the further consideration thereof.

The accompanying bill was read a second time, when

Mr. Emerson moved to amend the bill as follows:

Strike out all after the enacting clause in the first section, and insert the following.

That the Governor, Auditor and Treasurer of State be authorized to ascertain the probable loss sustained by Samuel H. Patterson, the lessee of the Indiana State's prison, by small pox, cholera, and fire in said prison, and that they report the result of their investigations to the next General Assembly of this State; and that they further inquire and report to the same General Assembly whether in their opinion the amount of rent as fixed in the contract entered into by the State and the said lessee is excessive; and if they shall be of opinion that said rent is excessive, that they inquire into the expediency of releasing the said lessee from his contract, and of re-letting said prison.

Mr. Secrest moved to recommit the bill and pending amendments to the same committee, with instructions to report the testimony to the Senate.

Mr. Berry moved to indefinitely postpone the bill and pending amendments,

Which was decided in the negative; ayes 4, noes 37.

The ayes and noes were demanded by Messrs. Berry and Miller.

*Those who voted in the affirmative were,*

Messrs. Berry, Emerson, Logan, and Milliken.

*Those who voted in the negative were,*

Messrs. Alexander, Athon, Brugh, Cravens, Davis, Dawson, De-frees, Delevan, Dougherty, Dunn, Eddy, Goodman, Hanna, Henton, Hester, Hickman, Holloway, Hunt, Kendall, Kinnard, Knowlton, McCarty, Mickle, Miller, Niblack, Odell, Reid, Secrest, Slack, Sleeth, Spann, Teegarden, Turman, Walker, Washburn, Winstandley, and Witherow.

The question then being on recommitting with instructions,

It was decided in the affirmative.

Mr. Emerson moved to further instruct the committee as follows:

"To inquire into the propriety of rescinding the contract entered into with the lessee of said prison and of re-letting the same."  
Which was agreed to.

By Mr. Berry, from the committee on Federal Relations;

MR. PRESIDENT:

The committee on Federal Relations, to whom was referred House joint resolution No. 22, a joint resolution asking from the Government of the United States an appropriation of public lands to aid in the construction of a railroad from Lafayette, Indiana, to Burlington, Iowa, with certain instructions of the Senate, have had these subjects under consideration, and, as instructed to do, they herewith present the following amendments:

Add to section 1, also a grant of land from said public domain to aid in the construction of the Ohio and Mississippi railroad from Cincinnati, Ohio, to St. Louis, Missouri. Also, for the same purpose, to the Fort Wayne and Columbus railroad company. Also, to the Kosciusko, Elkhart, and Miami railroad company; and to the Fort Wayne and Southern railroad company, from Fort Wayne to Muncie, in Delaware county. Also, the Junction railroad.

The amendments of the committee were concurred in, ordered to be engrossed, and the joint resolution ordered to a third reading.

By Mr. Berry, from the same committee:

MR. PRESIDENT:

The committee on Federal Relations, to whom was referred joint resolution No. 68 of the Senate, entitled, "a joint resolution on the subject of the slave trade, and for the purpose of colonization," have had that subject under consideration, and report it back to the Senate for its further consideration.

The accompanying joint resolution was read a second time, and ordered to be engrossed for a third reading.

The President laid before the Senate the following communication from the Secretary of State:



SECRETARY OF STATE'S OFFICE, }  
Indianapolis, Feb. 23, 1852. }

HON. JAMES H. LANE,

*President of the Senate:*

SIR:—Please to lay the enclosed communication before the Senate.

Respectfully yours, &c.,

CHARLES H. TEST,

*Secretary of State.*

SECRETARY OF STATE'S OFFICE, }  
Indianapolis, Feb. 23, 1852. }

*To the Honorable, the Senate of Indiana :*

The Hon. Jehu T. Elliott, Judge of the sixth Judicial Circuit, has filed in this office his resignation of said office, to take effect on the last day of this month.

The twelfth provision of the schedule of the present Constitution provides that "All vacancies that may occur in existing offices, prior to the first general election under this Constitution, shall be filled in the manner now prescribed by law." The resignation above mentioned being filed during the sitting of the General Assembly, the undersigned supposes that it devolves upon this Legislature to fill the vacancy. In view of which, a similar communication to this has been made to the House of Representatives.

Respectfully submitted,

CHARLES H. TEST,

*Secretary of State.*

Mr. Winstandley moved to refer the communication to the committee on the Judiciary;

Which was decided in the affirmative. Ayes 24; noes 18.

The ayes and noes were demanded by Messrs. Reid and Emerson.

*Those who voted in the affirmative were,*

Messrs. Athon, Brugh, Dawson, Defrees, Delevan, Dunn, Eddy, Goodman, Hanna, Hester, Hicks, Hunt, Knowlton, Longshore, Marshall, McCarty, Mickel, Miller, Milliken, Reid, Sleeth, Turman, Washburn, and Winstandley.

*Those who voted in the negative were,*

Messrs. Alexander, Berry, Davis, Dougherty, Emerson, Henton, Hickman, Holloway, Kendall, Kinnard, Niblack, Odell, Secrest, Slack, Spann, Teegarden, Walker, and Witherow.

By Mr. Dawson form a select committee:

**MR. PRESIDENT:**

The select committee to whom was referred Senate bill No. 85, entitled a bill to regulate the times of holding courts in the 12th Judicial circuit and to regulate expanneling a traverse jury in the county of Allen, have had that subject under consideration and have made sundry amendments thereto after the adoption of which they recommend its passage.

Strike out the first section and insert the following in lieu thereof:

That the full term of the courts in the twelfth Judicial circuit, shall hereafter be held as follows: In the county of Allen on the second Monday in October, and shall continue four weeks if the business thereof require it; in the county of Adams on the first Tuesday after the last Monday but one in August, and shall continue five days if the business thereof require it; in the county of Wells on the last Monday in August; in the county of Huntington on the first Monday in September; in the county of Whitley on the second Monday in September; in the county of Noble on the third Monday in September; in the county of LaGrange on the fourth Monday in September; in the county of Steuben on the Monday succeeding the courts in the county of Lagrange; in the county of DeKalb on the Monday succeeding the courts in the county of Allen; in each of the counties of Wells, Huntington, Whitley, Noble, Steuben and DeKalb the courts shall be held one week if the business thereof require it, and in the county of LaGrange the court shall be held two weeks if the business require it.

Insert after the word "May" in the sixth line of the 2nd section the words "by consent of parties."

Which were concurred in, and

The bill read a second time, and ordered to be engrossed for a third reading.

Mr. Reid moved to suspend the order of business.

Which motion prevailed.

By Mr. Reid from the committee on the Judiciary:

MR. PRESIDENT:

The Judiciary committee, to which was referred bill of the Senate No. 71, concerning attachment bonds, have had the same under consideration, and requested me to report the same back to the Senate, and recommend its passage.

The accompanying bill was read a second time.

Mr. Slack moved to indefinitely postpone the bill;

Which was decided in the affirmative. Ayes 27; noes 15.

The ayes and noes were demanded by Messrs. Slack and Witherow.

*Those who voted in the affirmative were,*

Messrs. Alexander, Athon, Berry, Brugh, Cravens, Delevan, Dougherty, Dunn, Emerson, Goodman, Henton, Hickman, Hicks, Hunt, Kendall, Kinnard, Knowlton, Longshore, Marshall, McCarty, Miller, Odell, Secrest, Slack, Washburn, Winstandley, and Witherow.

*Those who voted in the negative were,*

Messrs. Davis, Dawson, Defrees, Eddy, Hester, Holloway, Mickle, Milliken, Niblack, Reid, Sleeth, Spann, Teegarden, Turman, and Walker.

Mr. Slack moved to suspend the order of business;

Which was agreed to.

The following message was received from the House of Representatives, by Mr. Sites, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following resolution:

*Resolved*, The Senate concurring, that the Senate and House of Representatives will this afternoon at 2 o'clock proceed to the election of a Circuit Judge in the 6th judicial circuit.

In which the concurrence of the Senate is respectfully requested.

Mr. Reid moved to refer the resolution to the committee on the Judiciary;

Which was decided in the negative; ayes 20, noes 21.

The ayes and noes were demanded by Messrs. Reid and Eddy.

*Those who voted in the affirmative were,*

Messrs. Brugh, Cravens, Dawson, Defrees, Delevan, Eddy, Goodman, Hester, Hicks, Kinnard, Knowlton, Logan, Longshore, Marshall, McCarty, Mickle, Miller, Reid, Sleeth, and Winstandley.

*Those who voted in the negative were,*

Messrs. Alexander, Athon, Berry, Davis, Dunn, Emerson, Henton, Hickman, Holloway, Kendall, Milliken, Niblack, Odell, Secrest, Slack, Spann, Teegarden, Turman, Walker, Washburn, and Witherow.

The question being on concurring in the message from the House, It was decided in the affirmative—ayes 24, noes 17.

The ayes and noes were demanded by Messrs. Reid and Eddy.

*Those who voted in the affirmative were,*

Messrs. Alexander, Athon, Berry, Cravens, Davis, Defrees, Dunn, Emerson, Henton, Hickman, Holloway, Kendall, Logan, Longshore, Mickle, Odell, Secrest, Slack, Spann, Teegarden, Turman, Walker, Washburn, and Witherow.

*Those who voted in the negative were,*

Messrs. Brugh, Dawson, Delevan, Eddy, Goodman, Hanna, Hester, Hicks, Kinnard, Knowlton, Marshall, McCarty, Miller, Milliken, Reid, Sleeth, and Winstandley.

Also, the following message was received from the House of Representatives by Mr. Sites, their clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof :

No. 150. Entitled "A bill to provide for the election of State Printer, for the public printing and binding, and distribution of the laws and journals."

In which the concurrence of the Senate is respectfully requested.

The accompanying bill was read a first time and passed to a second reading.

Also, the following message:

**MR. PRESIDENT :**

I am directed by the House of Representatives to inform the Senate that the House insist on their disagreement to the fourth and fifth engrossed amendments of the Senate to engrossed bill of the House No. 122, entitled "An act to provide for the organization of county boards, and defining their powers and duties," and has appointed Messrs. Holladay of Parke and Holman, a committee of free conference on the part of the House to act with a similar committee on the part of the Senate.

Mr. Slack moved that a similar committee be appointed on the part of the Senate.

Which was agreed to.

The President appointed Messrs. Slack and Cravens said committee.

A message from the House of Representatives by Mr. Sites their Clerk.

**MR. PRESIDENT :**

I am directed by the House of Representatives to inform the Senate that the House has concurred in the engrossed amendments of the Senate to engrossed bill of the House No. 82, entitled "A bill to enable the Madison and Indianapolis Railroad Company to avoid the inclined plane at Madison, to provide for the sale of the interest of the State in said railroad, and to repeal so far as affects the Madison and Indianapolis railroad company, the 55th and 58th sections of the act entitled "An act for the continuance and construction of all private companies, and for abolishing the board of internal improvements, and the offices of fund commissioner and chief engineer," approved January 28, 1842.

Also, the following message was received from the House of Representatives, by their clerk, Mr. Sites:

**MR. PRESIDENT :**

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bills of the Senate:

No. 74. Entitled a bill authorizing plank road and turnpike companies to create a sinking fund for the repair of said roads.

Also,

No. 88. Entitled, an act limiting the number of grand jurors, providing a mode for their selection, defining their jurisdiction, and repealing all laws inconsistent therewith.

Without amendment.

Mr. Athon offered the following resolution:

*Resolved*, That the committee on the State's Prison be authorized to send for persons and papers for the purpose of investigating the claims of the lessee of said prison.

Which was adopted.

#### BILLS INTRODUCED.

By Mr. Slack;

No. 91. A bill authorizing and prescribing the mode of disposing of the stock belonging to the State in the State Bank of Indiana;

And,

No. 92. A bill in relation to witnesses in suits at law between incorporated companies and the stockholders thereof;

Which were each read a first time and passed to a second reading.

Mr. Hanna moved to take from the table Senate bill No. 72, a bill providing for the assessment of damages against liquor sellers for vending spirituous liquors to an habitual drunkard or minor, &c.;

Which was agreed to, and the bill read a second time by title.

#### ORDERS OF THE DAY.

##### *Bills on their Third Reading.*

House bill No. 82. A bill to enable the Madison and Indianapolis Rail Road Company to avoid the inclined plane at Madison; to provide for the sale of the interest of the State in said Rail Road, and to repeal, so far as affects the Madison and Indianapolis Rail Road Company, the 55th and 58th sections of the act entitled 'An act for the continuance and construction of all or any part of the public works of this State by private companies, and for abolishing the Board of Internal Improvements, and the offices of Fund Commissioners and Chief Engineer,' approved Jan. 28, 1842.

Was read a third time, when,

Mr. Marshall moved to amend as follows:

Amend by adding to the end of the sixth section as amended, the following:

And to secure the payments to the State, the said company shall execute to such person as the Governor of the State may designate as trustee, a mortgage on said road, and all the property thereof,

with right of entry and sale, or to receive the revenues thereof, as such trustee may elect, if default be made for sixty days in the payment of said instalments, or either of them, or any part thereof.

Which was adopted.

Mr. Marshall moved a call of the Senate.

Which was ordered.

On motion by Mr. Dougherty,

Mr. Hatfield was excused.

On motion by Mr. Eddy,

Mr. Alexander was excused.

On motion by Mr. Athon,

Mr. James was excused.

On motion by Mr. Slack,

The further call of the Senate was suspended.

The question being, shall the bill pass?

It was decided in the affirmative—ayes 30, noes 11.

*Those who voted in the affirmative were,*

Messrs. Brugh, Cravens, Davis, Dawson, Defrees, Delevan, Dougherty, Eddy, Emerson, Goodman, Hanna, Henton, Hickman, Hicks, Hunt, Kendall, Kinnard, Logan, Marshall, Mickle, Niblack, Odell, Secrest, Slack, Spann, Turman, Walker, Washburn, Winsteadley and Witherow.

*Those who voted in the negative were,*

Messrs. Athon, Berry, Dunn, Hester, Holloway, Knowlton, McCarty, Miller, Milliken, Sleeth, and Teegarden.

The question recurring on the engrossment of Senate bill No. 72,

On motion by Mr. Holloway,

The Senate adjourned.

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2 o'clock, P. M.

The Senate met.

The consideration of the question pending at adjournment—being Senate bill No. 72, a bill providing for the assessment of damages against liquor sellers for vending spirituous liquors to an habitual drunkard or minor, &c.—was resumed.

Mr. Milliken moved the following amendment :

Add the following section—

In all trials of cases for the violation of this act, by selling intoxicating liquors without giving bond as in this act provided, proofs that the accused keeps the usual implements of a tippling-house, or a part of them, or that drunken persons are frequently seen in or about his or her house, or that the article drank in the presence of the witness is believed was intoxicating liquor, shall be prima facie proof that the accused has sold intoxicating liquor.

Message from the House of Representatives, by Mr. Sites, their Clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following resolution :

*Resolved*, That the Senate be invited to attend in the Hall of the House, instantler, for the purpose of electing a President Judge of the Sixth Judicial Circuit ; and that seats be provided for them on the right of the Speaker's chair.

Which was reciprocated.

When the Senate, preceded by the President, proceeded to the Hall of the House of Representatives, and took seats provided for their use at the right of the Speaker's chair ;

When both Houses, in joint convention, proceeded by a viva voce vote, to the election of Judge of the 6th Judicial Circuit.

*Those who voted for Oliver P. Morton, on the part of the Senate, were,*

Messrs. Alexander, Allen, Athon, Brugh, Cravens, Davis, Defrees, Delevan, Dougherty, Emerson, Hanna, Henton, Hester, Hickman, Hicks, Holloway, Kendall, Kinnard, Knowlton, Logan, Longshore, McCarty, Mickle, Milliken, Niblack, Odell, Saffer, Secrest, Slack, Spann, Teegarden, Turman, Walker, Washburn, Winstandley, and Witherow.

*Those who voted for Oliver P. Morton, on the part of the House of Representatives, were,*

Messrs. Barker, Beach, Beane, Beeson, Behm, Bryant, Bulla, Buskirk, Chowning, Cockrum, Cowgill, Crawford, Cromwell, Davis, Dice,



Dobson, Donaldson, Doughty, Douthit, Eccles, English, Gibson, Gookins, Goudy, Graham, Hanna, Hart, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holladay of Parke, Holman, Hudson, Huey, Humphreys, Hunt, Kent, King, Lavery, Lawrence, Leviston, Lewis, Lindsey of Fayette, Lindsay of Howard, Litchfield, Manson, Marrs, Mayfield, McAllister, McConnell, McDonald, McDowell, Miller, Morris, Mudget, Nelson, Owen, Porter, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Stevens, Stover, Struble, Stuart, Suit, Sumner, Sweet, Taggart, Thompson, Wells, Williams, Wilson, Withers, and Mr. Speaker—117.

Mr. Hunt, of the Senate, voted blank.

Mr. Miller, of the Senate, voted for Mr. F. Bigger.

Mr. Reid, of the Senate, voted for Mr. Vance.

Oliver P. Morton, Esq., having received the votes of a majority of the members elected, the President of the Senate declared him duly elected Judge of the 6th judicial circuit, to serve as such until the second Tuesday in October next, and until his successor is elected and qualified.

The President then declared the convention adjourned *sine die*.

When, the Senate returned to their chamber and resumed the business of legislation.

The question was on Mr. Milliken's amendment to Senate bill No. 72.

Mr. Mickle moved a call of the Senate.

Which was ordered.

On motion by Mr. Milliken,

The call was suspended.

The question recurring on the adoption of Mr. Milliken's amendment to Senate bill No. 72,

It was decided in the affirmative—ayes 23, noes 19.

The ayes and noes were demanded by Messrs. Hester and Milliken.

*Those who voted in the affirmative were,*

Messrs. Alexander, Athon, Dawson, Defrees, Eddy, Hester, Hickman, Holloway, Kinnard, Knowlton, Logan, Longshore, Marshall, McCarty, Mickle, Milliken, Odell, Reid, Saffer, Slack, Teegarden, Turman and Washburn.

*Those who voted in the negative were,*

Messrs. Allen, Brugh, Cravens, Davis, Delevan, Dunn, Emerson,

Goodman, Hanna, Henton, Hicks, Hunt, Miller, Niblack, Secrest, Spann, Walker, Winstandley and Witherow.

Mr. Milliken moved the following amendment:

Amend by adding the following sections:

That whenever any person in a state of intoxication shall commit a trespass against the person or property of another person, or shall abuse his or her family, the person or persons suffering from such trespass may institute and maintain a suit for damages against any person or persons that furnished intoxicating liquor to said intoxicated person, within twenty-four hours of said trespass, and recover for his, her or their personal use, the amount of such damages. In case of a suit for damages by a wife or parent of the person intoxicated, the court or jury may consider the damage such person suffers from the disgrace consequent upon such drunkenness and assess accordingly.

That the circuit courts and justices of the peace shall have concurrent jurisdiction in all offences committed against any of the provisions of this act: *Provided*, That whenever any person is brought before any justice of the peace, on a charge of having violated any of the provisions of this act, he or she shall have the right to enter into recognizance, with sufficient security to appear at the next term of the circuit court to answer to the charge and abide the decision of the court.

Mr. Hester moved to recommit the bill and pending amendments to a select committee of one from each congressional district.

Mr. Dunn moved to instruct the committee as follows:

Instruct the committee to inquire into the expediency of reporting a section making public drunkenness punishable.

Mr. Eddy moved to suspend the order of business, which being agreed to, he offered the following resolution:

*Resolved*, That when the Senate adjourns it will adjourn until Wednesday next at 2 o'clock, P. M.

Which was adopted.

The question recurring on recommitting Senate bill No. 72, and the pending amendments, to a select committee of one from each congressional district,

It was decided in the negative.

The question then recurring on the adoption of the amendment, Mr. Defrees moved the following amendment to the amendment:

Amend the amendment by striking out the word "furnished," in the fourth line, and insert the word "sold."

Which was not adopted.

The question then recurring on the adoption of the amendment, It was decided in the negative—ayes 11, noes 29.

The ayes and noes were demanded by Messrs. Hester and Milliken.

*Those who voted in the affirmative were,*

Messrs. Holloway, Kendall, Knowlton, Marshall, McCarty, Milliken, Odell, Reid, Saffer, Teegarden, and Turman.

*Those who voted in the negative were,*

Messrs. Alexander, Allen, Athon, Brugh, Cravens, Davis, Defrees, Delevan, Dougherty, Dunn, Eddy, Emerson, Hanna, Henton, Hester, Hickman, Hicks, Hunt, Mickle, Miller, Secrest, Slack, Sleeth, Spann, Walker, Washburn, Winstandley, and Witherow.

Mr. Delevan moved to amend as follows:

Amend by striking out the penalty of the bond mentioned in the second section, twenty-five hundred dollars, and insert one thousand dollars.

Pending which,

On motion by Mr. Mickle,

The Senate adjourned.

FEBRUARY 25, 1852, 2 o'clock, P. M.

The Senate met.

The President, Hon. J. H. Lane, being absent,

On motion by Mr. Milliken,

Mr. Spann was called to the chair.

The Journal of Monday was then read.

PETITIONS, MEMORIALS AND REMONSTRANCES PRESENTED.

By Mr. Hester;

A remonstrance against the repeal of the law incorporating the town of Bloomington:

Which,

On his motion,

Was referred to the committee on Corporations.

By Mr. Milliken;

Two petitions of citizens of the counties of Morgan and Brown, on the subject of a temperance law;

Which,

On his motion,

Were laid on the table.

REPORTS SUBMITTED.

By Mr. Hester, from a select committee :

MR. PRESIDENT:

The select committee to whom was referred Senate bill No. 19, and pending amendments, for the institution and prosecution of offences against the criminal laws, have had the same under consideration, and have directed me to report it back and recommend that it be laid on the table.

Which was concurred in.

ORDERS OF THE DAY.

*Bills on their Third Reading.*

Senate bill No. 85. A bill to regulate the times of holding courts in the 12th judicial circuit, and to regulate the time of empaneling a traverse jury in the county of Allen;

Was read a third time and passed; ayes 33, noes 1.

*Those who voted in the affirmative were,*

Messrs. Allen, Athon, Brugh, Cravens, Dawson, Defrees, Delevan, Dougherty, Dunn, Eddy, Emerson, Goodman, Hatfield, Hester, Holloway, James, Kendall, Kinnard, Knowlton, McCarty, Miller, Mil-

likens, Niblack, Odell, Saffer, Slack, Sleeth, Spann, Teegarden, Walker, Washburn, Winstandley, and Witherow.

Mr. Hanna voted in the negative.

Senate joint resolution No. 68. A joint resolution on the subject of the slave trade, and for the purpose of colonization ;

Was read a third time and passed ; ayes 30, noes 5.

*Those who voted in the affirmative were,*

Messrs. Allen, Athon, Brugh, Defrees, Delevan, Dougherty, Dunn, Eddy, Emerson, Goodman, Hatfield, Henton, Hester, Holloway, James, Kendall, Knowlton, McCarty, Miller, Milliken, Niblack, Odell, Saffer, Sleeth, Spann, Teegarden, Walker, and Witherow.

*Those who voted in the negative were,*

Messrs. Cravens, Dawson, Hanna, Kinnard, Slack, and Winstandley.

House joint resolution No. 22, a joint resolution instructing our Representatives in Congress to use their influence and exertions to obtain a grant of public lands to aid in the construction of certain rail roads.

Was read a third time, when,

On motion by Mr. McCarty,

It was laid on the table.

The consideration of the question pending at adjournment on Monday, on the adoption of the amendment to Senate bill No. 72, a bill providing for the assessment of damages against liquor sellers for vending spirituous liquor to an habitual drunkard or minor, and requiring such liquor seller to execute a bond and providing a penalty for his failing so to do ; being to strike out twenty-five hundred dollars as the amount of the bond, and insert one thousand dollars, proposed by Mr. Delevan, was resumed.

The question then being "will the Senate adopt the amendment?"

A division of the question was called for.

And the President having decided the question divisible, the first question on striking out was decided in the affirmative—ayes 18, noes 16.

The ayes and noes were demanded by Messrs. Hester and Delevan

*Those who voted in the affirmative were,*

Messrs. Allen, Brugh, Defrees, Delevan, Emerson, Goodman, Hanna, Hatfield, Henton, Hester, James, Kinnard, Miller, Niblack, Spann, Walker, Washburn and Winstandley.

*Those who voted in the negative were,*

Messrs. Athon, Cravens, Dawson, Dougherty, Dunn, Eddy, Holloway, Kendall, Knowlton, McCarty, Milliken, Odell, Saffer, Sleeth, Teegarden and Witherow.

The next question was "will the Senate insert 1,000 dollars," when Mr. Defrees moved to amend the amendment by inserting 1,500 dollars.

Which was decided in the negative—ayes 14, noes 20.

The ayes and noes were demanded by Messrs. Delevan and Milliken.

*Those who voted in the affirmative were,*

Messrs. Allen, Athon, Brugh, Dawson, Defrees, Henton, James, Kinnard, Knowlton, Miller, Niblack, Saffer, Walker and Witherow.

*Those who voted in the negative were,*

Messrs. Cravens, Delevan, Dougherty, Dunn, Eddy, Emerson, Goodman, Hanna, Hatfield, Hester, Holloway, Kinnard, Longshore, McCarty, Milliken, Odell, Sleeth, Spann, Teegarden, Washburn and Winstandley.

Mr. Milliken moved to fill the blank with "three thousand ;"

Which was decided in the negative ; ayes 12, noes 23.

The ayes and noes were demanded by Messrs. Milliken and Holloway.

*Those who voted in the affirmative were,*

Messrs. Dougherty, Dunn, Eddy, Holloway, Kendall, Knowlton, McCarty, Milliken, Niblack, Odell, Saffer, and Teegarden.

*Those who voted in the negative were,*

Messrs. Allen, Athon, Brugh, Cravens, Dawson, Defrees, Delevan, Emerson, Goodman, Hanna, Hatfield, Henton, Hester, James, Kinnard, Logan, Miller, Sleeth, Spann, Walker, Washburn, Winstandley, and Witherow.

Mr. Teegarden moved to amend the amendment by inserting 4000 dollars;

Which was decided in the negative—ayes 11, noes 24.

The ayes and noes were demanded by Messrs. Hester and Hatfield.

*Those who voted in the affirmative were,*

Messrs. Dougherty, Dunn, Eddy, Holloway, Kendall, Knowlton, McCarty, Milliken, Odell, Saffer, and Teegarden.

*Those who voted in the negative were,*

Messrs. Allen, Athon, Brugh, Cravens, Dawson, Defrees, Delevan, Emerson, Goodman, Hanna, Hatfield, Henton, Hester, James, Kinnard, Logan, Miller, Niblack, Sleeth, Spann, Walker, Washburn, Winstandley, and Witherow.

Mr. Eddy moved to fill the blank with "two thousand ;"

Which was decided in the negative—ayes 17, noes 18.

The ayes and noes were demanded by Messrs. Hester and Milliken.

*Those who voted in the affirmative were,*

Messrs. Athon, Cravens, Dawson, Defrees, Dougherty, Dunn, Eddy, Holloway, Kendall, Knowlton, Logan, McCarty, Milliken, Niblack, Odell, Saffer, and Teegarden.

*Those who voted in the negative were,*

Messrs. Allen, Brugh, Delevan, Emerson, Goodman, Hanna, Hatfield, Henton, Hester, James, Kinnard, Miller, Sleeth, Spann, Walker, Washburn, Winstandley, and Witherow.

Mr. Knowlton moved to suspend the order of business ;

Which being agreed to, he offered the following resolution :

*Resolved,* That when the Senate adjourns, it will adjourn to meet on Friday morning, at 9 o'clock.

Which was adopted.

The question then recurring on inserting 1000 dollars as the amount of the bond,

Mr. Dunn moved to amend the amendment by inserting 5000 dollars ;

Which was decided in the negative. Ayes 12; noes 21.

The ayes and noes were demanded by Messrs. Hester and Milliken.

*Those who voted in the affirmative were,*

Messrs. Athon, Dougherty, Dunn, Eddy, Holloway, Kendall, Kinard, Knowlton, Milliken, Odell, Saffier, and Teegarden.

*Those who voted in the negative were,*

Messrs. Allen, Brugh, Cravens, Defrees, Delevan, Emerson, Goodman, Hanna, Hatfield, Henton, Hester, James, Logan, Miller, Niblack, Sleeth, Spann, Walker, Washburn, Winstandley, and Withelow.

No quorum voting,  
On motion by Mr Hester,  
The Senate adjourned.

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FRIDAY MORNING, }  
February 27, 1852. }

The Senate met.

The President, Hon. James H. Lane being absent,  
On motion by Mr. Miller,  
Mr. Milliken was called to the chair.

The Journal of Wednesday was read.

Mr. Holloway presented the petitions of citizens of Wayne and Henry counties, on the subject of Free Banking;  
Which,  
On his motion,  
Were referred to the committee on the State Bank.  
Mr. Emerson introduced

No. 93. A bill to provide for the payment of the public debt of the State, and prescribing the manner of accomplishing this object;  
Which was read a first time and passed to a second reading.



## ORDERS OF THE DAY.

*Bills on their Third Reading.*

On motion by Mr. McCarty,  
House Joint Resolution No. 22, was taken from the table.

Mr. Dougherty moved to recommit the joint resolution to a select committee;

Which being agreed to,

The President appointed Messrs. Dougherty, Odell, and McCarty, said committee.

Mr. Holloway moved to instruct the committee as follows:

Report a joint resolution asking a grant of lands for the construction of the Indiana Central Railway.

Which motion did not prevail.

Mr. Dunn moved to instruct the committee as follows:

Select committee be instructed to report separate joint resolutions on each work embraced in said joint resolution No. 22.

Which motion was decided in the affirmative.

## BILLS ON THEIR SECOND READING.

Senate bill No. 91. A bill authorizing and prescribing the mode of disposing of the stock belonging to the State in the State Bank of Indiana;

Was read a second time; when,

On motion by Mr. Dawson,

It was referred to the committee on the State Bank.

Senate bill No. 92. A bill in relation to witnesses in suits at law between incorporated companies and the stockholders thereof;

Was read a second time, and ordered to be engrossed for a third reading.

House bill No. 150. A bill to provide for the election of State Printer, and for the public printing, binding and distribution of the laws and journals;

Was read a second time by its title; when,

On motion by Mr. Emerson,

It was referred to the committee on Printing.

House bill No. 71. A bill to provide for the election of State and county officers, and repealing all former acts inconsistent with the same;

Was read a second time by its title; when,  
On motion by Mr. Emerson,  
It was referred to the committee on Printing.

House bill No. 138. A bill providing for the incorporation of Bridge Companies;

Was read a second time by its title; and,  
On motion by Mr. Eddy,  
Referred to the committee on Corporations.

House bill No. 158. A bill to legalize the election of directors of bridge companies, and the acts of such directors, and fixing a time for holding the election, and prescribing the term of office of such directors;

Was read a second time, when  
On motion by Mr. Dawson,  
It was referred to the committee on the Judiciary.

House bill No. 144. A bill authorizing the proof of deeds and mortgages in certain cases therein named, for the purpose of admitting the same to record, and legalizing all records of deeds thirty years old;

Was read a second time by the title; and,  
Referred to the committee on the Judiciary.

House bill No. 164. A bill to repeal an act entitled "an act to amend an act authorizing the construction of plank roads, approved January 15th, 1849,"—approved January 14th, 1850;

Was read a second time; when,  
On motion by Mr. Dawson,  
It was referred to the committee on Corporations.

House bill No. 165. A bill for the repeal of an act limiting the fees of the auditor in the county of Marshall;

Was read a second time, and ordered to a third reading.

The consideration of the question pending at adjournment on Monday, being to insert \$5000 as the amount of the bond required in Senate bill No. 72, a bill providing for the assessment of damages against liquor sellers for vending spirituous liquors to an habitual

drunkard or minor, and requiring said liquor seller to execute a bond, and providing a penalty for his failing so to do, was resumed.

The question being, will the Senate insert \$5000 ?

It was decided in the negative—ayes 14, noes 20.

The ayes and noes were demanded by Messrs. Hester and Milliken.

*Those who voted in the affirmative were,*

Messrs. Athon, Dawson, Dougherty, Dunn, Eddy, Holloway, Kendall, Kinnard, Knowlton, Longshore, McCarty, Milliken, Reid, and Saffer.

*Those who voted in the negative were,*

Messrs. Allen, Brugh, Cravens, Davis, Defrees, Delevan, Emerson, Goodman, Hanna, Hatfield, Henton, Hester, James, Miller, Niblack, Slack, Spann, Walker, Washburn, and Winstandley.

Mr. Athon moved to amend the amendment by inserting \$4500. Which was decided in the negative. Ayes 16 ; noes 20.

*Those who voted in the affirmative were.*

Messrs. Athon, Dawson, Dougherty, Dunn, Eddy, Holloway, Kendall, Kinnard, Knowlton, Logan, Longshore, McCarty, Milliken, Odell, Reid and Saffer.

*Those who voted in the negative were,*

Messrs. Allen, Brugh, Cravens, Davis, Defrees, Delevan, Emerson, Goodman, Hanna, Hatfield, Henton, Hester, James, Miller, Niblack, Slack, Spann, Walker, Washburn, and Winstandley.

Mr. Eddy moved to amend the amendment by inserting \$3500. Which was decided in the negative. Ayes 16 ; noes 20. The ayes and noes were demanded by Messrs. Eddy and Hester.

*Those who voted in the affirmative were,*

Messrs. Athon, Dawson, Dougherty, Dunn, Eddy, Holloway, Kendall, Kinnard, Knowlton, Logan, Longshore, McCarty, Milliken, Odell, Reid, and Saffer.

*Those who voted in the negative were,*

Messrs. Allen, Brugh, Cravens, Davis, Defrees, Delevan, Emerson, Goodman, Hanna, Hatfield, Henton, Hester, James, Miller, Niblack, Slack, Spann, Walker, Washburn and Winstandley.

Mr. Dawson moved to amend the amendment by inserting 2400 dollars;

When

Mr. Emerson moved the previous question;

Which motion did not prevail—ayes 15, noes 22.

The ayes and noes were demanded by Messrs. Holloway and Dawson.

*Those who voted in the affirmative were,*

Messrs. Allen, Brugh, Defrees, Delevan, Emerson, Goodman, Hanna, Hatfield, Miller, Slack, Spann, Walker, Washburn, Winstandley, and Witherow.

*Those who voted in the negative were,*

Messrs. Athon, Cravens, Davis, Dawson, Dougherty, Dunn, Eddy, Henton, Holloway, Hester, James, Kendall, Kinnard, Knowlton, Logan, Longshore, McCarty, Milliken, Niblack, Odell, Reid and Saffer.

Mr. Miller moved that the bill and pending amendments be laid on the table;

Which motion was decided in the negative.

The question then recurring on inserting 2400 dollars in the blank created by striking out 2500 dollars in the original bill.

It was decided in the affirmative. Ayes 20; noes 17.

The ayes and noes were demanded by Messrs. Dawson and Eddy.

*Those who voted in the affirmative were,*

Messrs. Athon, Cravens, Dawson, Defrees, Dougherty, Dunn, Eddy, Hester, Holloway, Kendall, Kinnard, Knowlton, Logan, Longshore, McCarty, Milliken, Odell, Reid, Saffer, and Witherow.

*Those who voted in the negative were,*

Messrs. Allen, Brugh, Davis, Delevan, Emerson, Goodman, Hanna, Hatfield, Henton, James, Miller, Niblack, Slack, Spann, Walker, Washburn, and Winstandley.

Mr. Holloway moved to amend as follows:

Amend by adding the following—

That in all judgments under the provisions of this act, against any person either for damages or fines, all the property in the house, belonging to the defendant, in which the liquor is sold or given away, shall be liable to execution to satisfy such judgment; and if not enough personal property can be found, then real property on or in which such liquor is sold shall be liable to execution to satisfy such judgment: *Provided*, That real estate not belonging to the offender shall not be thus subject to execution for the first offence either against the State or individuals.

Mr. Emerson moved to amend the amendment by adding the following proviso:

*Provided, however*, That if the defendant is the head of a family and a householder, the wife, and if he has no wife, then any other member of the family, may claim as exempt from execution under the provisions of this act, any amount of property not exceeding three hundred dollars in value.

Mr. Hester moved that the bill and pending amendments be referred to a select committee.

Which motion prevailed.

And Messrs. Hester, Milliken, Holloway, Saffer and Odell were appointed said committee.

On motion by Mr. Reid,

The previous order of business was suspended, when he offered the following resolution:

*Resolved*, That a committee of five members of the Senate be appointed by the President to wait on and invite Gov. Louis Kossuth to visit and be presented officially to the Senate on to-morrow at 11 o'clock; and that the President receive the Governor on behalf of the Senate, and after said reception that the Senate adjourn, and the members be individually introduced to Gov. Kossuth by the President.

Which was adopted.

And Messrs. Reid, Hester, Goodman, Logan and Cravens were appointed said committee.

Mr. Dunn asked leave of absence during the remainder of his term.

Which was granted.

On motion by Mr. Eddy,

The Senate adjourned until to-morrow morning, 9 o'clock.

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SATURDAY MORNING, 9 o'clock, }  
February 28, 1852. }

The Senate met.

The Journal of yesterday was read.

Mr. Niblack moved to add Mr. Saffer to the committee to invite Gov. Kossuth to visit the Senate.

Which motion prevailed.

On motion by Mr. Emerson,  
Mr. Knowlton was added to said committee.

**BILLS INTRODUCED.**

By Mr. Dougherty:

No. 94. A bill to attach Boone county to the first judicial circuit;

Which was read a first time; when,

Mr. Dougherty moved to suspend the rules and read the bill a second time now—ayes 22, noes 5.

*Those who voted in the affirmative were,*

Messrs. Allen, Athon, Brugh, Cravens, Davis, Defrees, Dougherty, Henton, Hester, Kinnard, Knowlton, Logan, Mickle, Miller, Milliken, Niblack, Reid, Saffer, Slack, Sleeth, Spann, and Witherow.

*Those who voted in the negative were,*

Messrs. Emerson, Eddy, Goodman, Hatfield, Odell, and Washburn.

No quorum having voted,

On motion,

A call of the Senate was ordered.

The Secretary proceeded with the call, when,

On motion,

The call was suspended.

The question being, Will the Senate suspend the rules, and read the bill a second time now?

It was decided in the affirmative. Ayes 34; noes 1.

*Those who voted in the affirmative were,*

Messrs. Allen, Athon, Brugh, Cravens, Davis, Defrees, Delevan, Dougherty, Eddy, Goodman, Hanna, Henton, Hester, Holloway, Kendall, Kinnard, Knowlton, Logan, McCarty, Mickle, Miller, Milliken, Niblack, Odell, Reid, Saffer, Slack, Sleeth, Spann, Turman, Walker, Washburn, Winstandley, and Witherow.

Mr. Emerson voted in the negative.

The bill was read a second time, when

Mr. Dougherty moved to further suspend the rules, and read the bill a third time now;

Which motion was decided in the affirmative. Ayes 34; noes 2.

*Those who voted in the affirmative were,*

Messrs. Allen, Athon, Brugh, Cravens, Davis, Defrees, Delevan, Dougherty, Eddy, Goodman, Hanna, Henton, Hester, Holloway, James, Kendall, Kinnard, Knowlton, Logan, McCarty, Mickle, Milliken, Niblack, Odell, Reid, Saffer, Slack, Sleeth, Spann, Turman, Walker, Washburn, Winstandley, and Witherow.

Messrs. Emerson and Miller voted in the negative.

The bill was then read a third time;

And the question being "Shall the bill pass?"

It was decided in the affirmative. Ayes 36; noes, none.

*Those who voted in the affirmative were,*

Messrs. Alexander, Allen, Athon, Brugh, Cravens, Davis, Defrees, Delevan, Dougherty, Emerson, Goodman, Hanna, Henton, Hester, Holloway, James, Kendall, Kinnard, Knowlton, Logan, McCarty, Mickle, Miller, Milliken, Niblack, Odell, Reid, Saffer, Slack, Sleeth, Spann, Turman, Walker, Washburn, Winstandley and Witherow.

By Mr. Brugh:

No. 95. A bill to enable the treasurer of Delaware county to settle with county commissioners, county auditor, and Treasurer of State;

Which was read a first time and passed to a second reading.

Mr. Reid, from a select committee, submitted the following report:

## MR. PRESIDENT :

As chairman of the committee appointed by the Senate to wait on Governor Kossuth, and invite him to visit the Senate on Saturday, (to-day,) at 11 o'clock, I have the honor to inform the Senate that Governor Kossuth will be happy to be introduced to the President and members of the Senate, as contemplated by the said resolution.

On motion by Mr. Cravens,

Leave of absence was granted to Mr. Dawson, on account of sickness in his family.

On motion by Mr. Eddy,

Leave of absence was granted to Mr. Teegarden, for the purpose of taking home the Representative from Porter county, Hon. W. M. Harrison, who is sick.

On motion by Mr. Athon,

Leave of absence was also granted to Mr. James, on account of sickness.

## BILLS ON THIRD READING.

Senate bill No. 92. A bill relative to witnesses in suits at law between incorporated companies and the stockholders thereof;

Was read a third time, and,

The question being, shall the bill pass?

It was decided in the negative—ayes 11, noes 24.

*Those who voted in the affirmative were,*

Messrs. Alexander, Brugh, Defrees, Henton, Hester, Holloway, Kendall, Longshore, Milliken, Teegarden, Washburn, and Winstandley.

*Those who voted in the negative were,*

Messrs. Allen, Athon, Cravens, Davis, Delevan, Eddy, Emerson, Goodman, Hanna, Hatfield, Kinnard, Knowlton, Logan, McCarty, Mickle, Miller, Niblack, Odell, Reid, Saffer, Slack, Spann, Walker, and Witherow.

House bill No. 165. A bill for the repeal of an act limiting the fees of the auditor in the county of Marshall;

Was read a third time; and,



The question being, shall the bill pass?

It was decided in the affirmative—ayes 34, noes 0.

*Those who voted in the affirmative were,*

Messrs. Alexander, Allen, Athon, Brugh, Cravens, Davis, Defrees, Delevan, Dougherty, Eddy, Emerson, Goodman, Hanna, Henton, Hester, Holloway, Kendall, Kinnard, Knowlton, Logan, McCarty, Mickle, Miller, Milliken, Niblack, Odell, Reid, Saffer, Slack, Sleeth, Spann, Turman, Walker, Washburn, Winstandley and Witherow.

Senate bill No. 93. A bill to provide for the payment of the public debt of the State, and prescribing the manner of accomplishing this object;

Was read a second time; when

On motion by Mr. Winstandley,

It was referred to the committee on Finance.

Message from the House of Representatives, by their Clerk, Mr. Sites:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bills thereof:

No. 93. Entitled "A bill to regulate the sale of the swamp lands donated by the United States to the State of Indiana, and to provide for the draining and reclaiming thereof in accordance with the condition of said grant."

Also,

No. 39. Entitled "A bill to legalize the action of school commissioners in cases where the tax duplicates have been made out before the taking effect in their counties of the school law of 1849."

In which the concurrence of the Senate is respectfully requested.

The accompanying bills were each read a first time and passed to a second reading.

Also, the following message:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof:

No. 139. Entitled "A bill to authorize and regulate the business of general banking."

In which the concurrence of the Senate is respectfully requested.

The accompanying bill was read a first time, and passed to a second reading.

Also, the following message:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the Speaker has signed House bills Nos. 82 and 103, which I am directed to bring to the Senate for the signature of the President thereof.

The hour of eleven having arrived, at which time Louis Kossuth, late Governor of Hungary, had accepted an invitation to visit the Senate, he appeared, accompanied by his suite, and was introduced by Hon. John S. Reid, Chairman of the committee on Invitation, to the President, who, on behalf of the Senate, extended him a cordial welcome.

Mr. Eddy offered the following resolution:

*Resolved*, That, out of respect to the distinguished guest of the State, now present, the Senate do adjourn until Monday morning, 9 o'clock.

Which was adopted.

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MONDAY MORNING, }  
March 1, 1852. }

The Senate met.

The Journal of Saturday was read.

#### PETITIONS.

Mr. Turman presented the petition of citizens of Fountain county on the subject of free banking,

Which,

On his motion,

Was referred to the select committee on Banking.

## REPORTS SUBMITTED.

By Mr. Dougherty, from a select committee:

MR. PRESIDENT:

The select committee to whom was referred a joint resolution, together with certain amendments thereto, asking of Congress a grant of lands to aid in the construction of certain railroads, with instructions to report separate joint resolutions for each of said works respectively, have performed that duty, and beg leave to report the following joint resolutions. Said committee further recommend that said original joint resolution, No. 22, be amended by striking therefrom the engrossed amendments thereto, which when adopted they recommend the passage of said joint resolutions.

Which was concurred in.

The accompanying joint resolutions,

No. 96. A joint resolution instructing our Senators and requesting our Representatives in Congress to use their influence and votes to procure the passage of a law granting lands to aid in the construction of the Fort Wayne and Southern railroad.

No. 97. A joint resolution instructing our Senators and requesting our Representatives in Congress to use their influence and votes to obtain a grant of land to aid in the construction of the Junction railroad.

No. 98. A joint resolution instructing our Senators and requesting our Representatives in Congress to use their influence and votes to procure a grant of lands to aid in the construction of the Elkhart, Kosciusko and Miami railroad.

No. 99. A joint resolution instructing our Senators and requesting our Representatives in Congress to use their influence and votes to procure a grant of lands to aid in the construction of the Fort Wayne and Columbus railroad.

And No. 100. A joint resolution instructing our Senators and requesting our Representatives in Congress to use their influence and exertions to procure a grant of public lands to aid in the construction of the Ohio and Mississippi railroad.

Were each read a first time, and passed to a second reading.

Mr. Niblack moved to lay House joint resolution No. 22, on the table.

Which was decided in the negative—ayes 12, noes 24.

The ayes and noes were demanded by Messrs. Dougherty and Delevan.

*Those who voted in the affirmative were,*

Messrs. Cravens, Delevan, Goodman, Hatfield, Hester, Holloway, Hunt, Logan, Milliken, Niblack, Slack, and Turman.

*Those who voted in the negative were,*

Messrs. Alexander, Allen, Athon, Brugh, Davis, Defrees, Dougherty, Eddy, Emerson, Kendall, Knowlton, Longshore, McCarty, Mickle, Miller, Odell, Reid, Saffer, Sleeth, Spann, Washburn, Winsteadley, and Witherow.

House Joint Resolution No. 22. A joint resolution instructing our Senators and requesting our Representatives in Congress to use their influence and exertions to obtain a grant of public lands to aid in the construction of certain railroads;

Was read a third time, and,

The question being, Shall the joint resolution pass?

It was decided in the negative—ayes 20, noes 15.

*Those who voted in the affirmative were,*

Messrs. Alexander, Allen, Athon, Brugh, Davis, Dougherty, Hester, Kendall, Longshore, McCarty, Milliken, Niblack, Odell, Saffer, Slack, Turman, Washburn, and Witherow.

*Those who voted in the negative were,*

Messrs. Cravens, Defrees, Delevan, Eddy, Emerson, Goodman, Hanna, Hatfield, Holloway, Kinnard, Knowlton, Logan, Mickle, Reid, Spann, Walker, and Winsteadley.

By Mr. Hester, from a select committee:

MR. PRESIDENT:

The select committee to whom was referred House bill No. 21, limiting the number of grand jurors, have had the same under con-

sideration, and have directed me to report it back and recommend that it be indefinitely postponed.

On motion,

The accompanying bill was laid on the table.

By Mr. Hester, from a select committee:

MR. PRESIDENT:

The select committee to whom was referred Senate bill No. 72, have had the same under consideration, and a majority thereof have directed me to report it back with the following amendments:

Strike out all after the enacting clause and insert the following—

SEC. 1. That all laws licensing the sale of spirituous liquors be and the same are hereby repealed.

SEC. 2. Before any person shall be permitted to vend spirituous liquors in any quantity less than one barrel, except for medicinal or mechanical purposes, he shall annually give bond with ten freehold sureties, to be approved by the auditor of the county in which such liquors are designed to be sold, in the penal sum of twenty-four hundred dollars, which bond shall be filed in the office of the said auditor, and shall be by him spread of record, for which he shall be entitled to the sum of fifty cents.

SEC. 3. Said bond shall be made payable to the State of Indiana, and be conditioned for the keeping an orderly house, and for the payment of all damages which such liquor vendor may occasion to the wife and children of any habitual drunkard to whom he may sell spirituous liquors, or to the wife and children of any person to whom he may sell such liquors whilst in a state of intoxication, or to the parent or parents of any minor to whom he may vend such liquors.

SEC. 4. Trials of such actions of damages as may arise under the preceding section, shall be determined by a jury to be selected in the circuit court, if such trial be submitted to such court, or by the justice of the peace trying such cause, according to the laws governing the empaneling and trials by such juries in such courts.

SEC. 5. Such jury, in determining the amount of their verdict, shall not be confined to actual damages, but may assess any sum within the penalty of the bond, in the nature of exemplary damages, which they may deem adequate, not only as compensation for injuries sustained by such drunkard, his wife and children, or the parents of such minor, but to deter others from in like manner offending.

SEC. 6. It shall be deemed sufficient evidence to maintain an action on said bond, to prove that said habitual drunkard, or said person in a state of intoxication, or said minor, was seen in a state of intoxication about the premises of said liquor vender, where he usually vended such liquors, within one year next preceding the com-

mencement of said action; but which fact, together with such other evidence as may be competent to establish the vending of such spirituous liquors to such habitual drunkard, or such person in a state of intoxication, or to such minor, shall be left to the determination of a jury.

SEC. 7. It shall be competent for the plaintiff or plaintiffs in such action, to introduce witnesses to prove that the person to whom such liquors are charged to have been sold, was an habitual drunkard at the time of the selling thereof, and the opinion of such witness shall be received as conclusive testimony, until he be impeached, or his testimony be rebutted by other and sufficient evidence. But the jury shall determine from all the evidence in the cause, whether such person was an habitual drunkard within the meaning of this act.

SEC. 8. The wife, or parents, or, in case they fail so to do within thirty days after a right of action shall accrue on said bond, any one else in their behalf, may maintain an action thereon, for the vending of such liquors to such habitual drunkard, or such person in a state of intoxication, or to such minor, in the name of the State of Indiana, for the use and benefit of such wife, children, or parents as aforesaid, as the case may be.

SEC. 9. In case such action be commenced by any one else than said wife, children or parents, his name shall be endorsed on the cause of action as a relator; but he shall not be liable for any cost whatever which may accrue in such action.

SEC. 10. Such damages as may be collected under the provisions of this act, shall be paid over to the wife of such habitual drunkard, or person in a state of intoxication, or to the parents or guardian of such minor; but in case such drunkard, intoxicated person, or minor, have no wife, but shall have minor children living, then such damages shall be paid to a trustee to be appointed by the court trying such cause, to be expended in the education of such children, under the direction of the court.

SEC. 11. Said auditor shall make out an authenticated copy of said bond, whenever applied to for that purpose, which certified copy, with an endorsement on the back thereof of the names of the relator, the person for whose benefit the suit is instituted, the person to whom such liquors were sold, and the amount of damages claimed, shall be sufficient cause of action in any court, and competent evidence of the execution and filing of said bond.

SEC. 12. Any person vending spirituous liquors in a quantity less than one barrel at a time, except for mechanical or medicinal purposes, without first having executed and filed said bond, as provided for in this act, or vending such spirituous liquors to an habitual drunkard, a person in a state of intoxication, or to a minor, shall, upon presentment by the prosecuting attorney of the proper court, or upon an affidavit filed in the circuit court of the proper county, or before a justice of the peace of the same county, be fined in any sum not less than twenty-five dollars, nor more than one hundred dollars for each and every such offence.

SEC. 13. In all prosecutions under section eleven of this act, the person to whom such spirituous liquors were sold, shall be a competent witness; and proof that the accused keeps the usual implements of a tippling house, or a part of them, or that drunken persons are frequently seen in or about the premises of the accused, or that the article drank in or about said premises, was spirituous liquor, as the witness verily believes, shall be *prima facie* evidence to sustain such prosecution.

SEC. 14. In all trials for a violation of section eleven of this act, the accused may stipulate before the cause is finally submitted for the payment, or the replevy of the fine and costs, if judgment be rendered against him. But in case he fail so to do, the court, in the event he be found guilty, shall render judgment of imprisonment against him in the county jail, for any term of time not exceeding thirty days.

SEC. 15. Any person resident within the county where such liquors are so unlawfully sold, may maintain an action on said bond against such liquor vender, for not keeping an orderly house, and all damages recovered in such actions shall be paid to the common school fund of such county.

SEC. 16. In case the sureties to such bond are about to leave the State, or have become insolvent before the expiration of the year for which it was executed, said auditor, upon the petition of any twelve citizens of the county, shall notify said liquor seller to present additional and competent freehold sureties, to be approved by said auditor, within five days thereafter; and in case said liquor seller shall fail or refuse so to do, he shall be considered as selling without having executed a bond, and be liable to be prosecuted accordingly.

SEC. 17. This act to be in force from and after its passage.

Mr. Mickle moved to lay the bill and pending amendments on the table;

Which was agreed to.

#### BILLS INTRODUCED.

By Mr. Hester:

No. 101. A bill to reorganize the Board of Trustees of Indiana University, defining their powers and duties, and providing for the election of president and other officers, and pointing out their powers and duties;

Was read a first time and passed to a second reading.

## ORDERS OF THE DAY.

*Bills on their Second Reading.*

Senate bill. No. 95. A bill to enable the treasurer of Delaware county to settle with county commissioners, county auditor, the Auditor and Treasurer of State;

Was read a second time, and ordered to be engrossed for a third reading.

Mr. Slack moved to reconsider the vote on the engrossment;  
Which motion prevailed.

On motion by Mr. Slack,

The bill was referred to a select committee.

Messrs. Slack, Brugh and Kendall were appointed said committee.

House bill No. 39. A bill to legalize the action of school commissioners in case where the tax duplicates have been made out before the taking effect in their counties of the school law of 1849;

Was read a second time, when,

On motion by Mr. Reid,

It was referred to the committee on Education.

House bill No. 93. A bill to regulate the sale of the swamp lands donated by the United States to the State of Indiana, and to provide for the draining and reclaiming thereof in accordance with the condition of said grant;

Was read a second time by its title: and,

On motion by Mr. Eddy,

Referred to the committee on Swamp Lands.

Message from the House of Representatives, by Mr. Sites, their Clerk:

**MR. PRESIDENT:**

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof:

No. 139. An act to establish a system of general banking.

In which the concurrence of the Senate is respectfully requested.

The accompanying bill was read a first time and passed to a second reading.



Also, the following message :

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bills thereof:

No. 105. Entitled "An act to provide for the sale of the stock owned by the State of Indiana in the Madison and Indianapolis railroad company."

Also, No. 171. Entitled "A bill to regulate the tolls of grain mills, and prescribing the duties of millers."

In which the concurrence of the Senate is respectfully requested.

The accompanying bills were each read a first time and passed to a second reading.

Mr. Saffer offered the following resolution :

*Resolved*, That the Senate will not grant leave of absence to senators for any other reason than that of sickness of themselves or families.

The question being on the adoption of the resolution,

It was decided in the negative—ayes 12, noes 23.

The ayes and noes were demanded by Messrs. Eddy and Goodman.

*Those who voted in the affirmative were,*

Messrs. Brugh, Cravens, Hatfield, Kendall, Kinnard, Knowlton, Mickle, Odell, Saffer, Sleeth, Spann, and Winstandley.

*Those who voted in the negative were,*

Messrs. Alexander, Allen, Athon, Defrees, Delevan, Dougherty, Eddy, Emerson, Goodman, Hanna, Hester, Holloway, Logan, Longshore, McCarty, Milliken, Niblack, Reid, Slack, Turman, Walker, Washburn, and Witherow.

Mr. Slack offered the following resolution :

*Resolved*, That the Senate will, the House concurring, adjourn on Monday, the 8th day of March, until the 20th day of May.

Mr. Winstandley moved the following amendment to the resolution :

Strike out from the resolving clause and insert the following—

That the Senate will, the House concurring, adjourn *sine die* on the 22d inst.

Mr. Defrees moved the following amendment to the amendment :

Strike out the 22d, and insert the 15th.

On motion by Mr. Eddy,  
The resolution and pending amendments were laid on the table.  
Mr. Slack offered the following resolution :

*Resolved*, That the Senate will, the House concurring, adjourn on Monday the 8th instant, until Monday the 12th day of April next.

Which,

On his motion,  
Was laid on the table.

Mr. Athon moved to adjourn.

Which was not agreed to.

Mr. Emerson moved to take from the table Senate bill No. 72, a bill providing for the assessment of damages against liquor sellers for vending spirituous liquors to an habitual drunkard or minor, and requiring such liquor seller to execute a bond, and providing a penalty for his failing so to do ;

Which motion prevailed.

The question being on the adoption of the amendment to the amendments of the committee,

It was decided in the affirmative.

The question then being, shall the bill be engrossed for a third reading ?

It was decided in the affirmative—ayes 20, noes 14.

The ayes and noes were demanded by Messrs. Slack and Witherow.

*Those who voted in the affirmative were,*

Messrs. Athon, Defrees, Eddy, Emerson, Hatfield, Hester, Holloway, Kendall, Kinnard, Knowlton, Logan, McCarty, Mickle, Miliken, Odell, Reid, Saffer, Spann, and Walker.

*Those who voted in the negative were,*

Messrs. Allen, Brugh, Cravens, Delevan, Dougherty, Goodman, Hanna, Longshore, Miller, Niblack, Slack, Sleeth, Washburn, Winsteadley, and Witherow.

Mr. Turman, from the joint committee on Enrolled Bills, submitted the following report :

MR. PRESIDENT:

The joint committee on Enrolled Bills report as correctly enrolled, Senate bill No. 74, entitled, "an act authorizing Plank road and Turnpike companies to create a sinking fund for the repair of said roads;" also, Senate bill No. 88, entitled, "an act to limit the number of grand jurors, and to point out the mode of their selection, defining their jurisdiction, and repealing all laws inconsistent therewith."

They also report that House bill No. 165, and House joint resolution, No. 24, were this day presented to the Governor.

Message from the House of Representatives, by Mr. Sites, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the Speaker has signed the following enrolled joint resolution thereof No. 24, also, Senate joint resolutions Nos. 48 and 77, also, House bill No. 165, which I am directed to bring to the Senate for the signature of the President thereof.

On motion by Mr. Defrees,  
The Senate adjourned.

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2 o'clock, P. M.

The Senate met.

Mr. Milliken offered the following resolution:

*Resolved*, That the chairman of the committees that have clerks employed, be requested to report to the Senate whether there is any necessity of retaining said clerks.

Which was not adopted.

Mr. Athon from the committee on Education reported that that committee had employed a clerk for thirty days and having no further work for him, had dismissed him.

Mr. Saffer moved to reconsider the vote on Senate bill No. 39, which was lost for want of a constitutional majority.

Which motion prevailed.

The question then being, shall the bill pass?

It was decided in the affirmative—ayes 26, noes 11.

*Those who voted in the affirmative were,*

Messrs. Athon, Brugh, Cravens, Delevan, Dougherty, Goodman, Hanna, Hatfield, Hester, Hicks, Holloway, Kinnard, Knowlton, Longshore, McCarty, Mickle, Miller, Milliken, Niblack, Odell, Reid, Saffer, Slack, Sleeth, Winstandley, and Witherow.

*Those who voted in the negative were,*

Messrs. Alexander, Allen, Defrees, Emerson, Hunt, Kendall, Logan, Spann, Turman, Walker, and Washburn.

Mr. Sleeth asked leave to change his vote:

Which was not granted.

Mr. Sleeth then moved to reconsider the vote on the passage of the bill;

Which was not agreed to.

On motion by Mr. Emerson,

The committee on Elections was discharged from the further consideration of House bill No. 71.

Mr. Cravens offered the following resolution:

*Resolved*, That the chairmen of the committees of the Senate be requested to bring before the Senate the business respectively referred at as early a day as possible.

Which was adopted.

The President appointed Mr. Dougherty to fill the vacancy in the committee on the Judiciary, occasioned by the resignation of Hon. George G. Dunn.

Message from the House of Representatives, by Mr. Sites, their Clerk:

Mr. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has adopted the following resolutions:

*Resolved*, That the members and officers of the House have received with deep sensibility the melancholy intelligence of the death of the Hon. Henry Hostetter, late Representative from the county of Vermillion.

*Resolved*, That in token of respect for the memory of the Hon. Henry Hostetter, the members and officers of the House will wear the usual badge of mourning during the remainder of the present session of the General Assembly.

*Resolved*, That arrangements be made at the expense of the State, to convey the body of the deceased to his family residence.

*Resolved*, That the members and officers of the House will form in procession at the Capitol House, on Tuesday morning, 2d inst., at 7½ o'clock, A. M., and move to the lodgings of the deceased in that order, and from thence attend the corpse to the Terre Haute depot.

*Resolved*, That His Excellency the Governor, the Judges of the Supreme Court, and the other officers of State now at the seat of government be invited to join in the procession, and that joint participation on the part of the members and officers of the Senate be requested therein.

*Resolved*, That the Speaker of the House appoint a committee of three members of the House to accompany the remains of our departed friend to his late residence in the county of Vermillion.

*Resolved*, That the Speaker of the House transmit a copy of these resolutions to the family of the deceased.

*Resolved*, That a committee be appointed to make the requisite arrangements upon this mournful occasion.

*Resolved*, That the clerk of this House be directed to inform the Senate of the proceedings of this House herein.

The accompanying resolutions were read, when  
Mr. Hanna arose and said—

MR. PRESIDENT:

In rising to respond to the resolutions just read, permit me to say that the duty now devolved on me, always embarrassing, is in the present instance doubly so, from the fact that I am suddenly called upon, in the temporary absence of the Senator from Vermillion, to say something in regard to the past history of the deceased.

Henry Hostetter was born in Rockbridge county, Virginia, on the 29th of December, 1801, of respectable parents. He married in Rockingham county, in 1825, to Martha Harrison. In 1833 he removed to Vermillion county, in this State, where he has resided ever since. He has been three times returned by the people of that county as their representative in the lower House. This is a sufficient commentary upon his integrity and the estimation in which he was held by his neighbors, to be thus chosen, in times of excitement,

by a people differing with him in politics. He was for the past fifteen years a member of the Presbyterian church, and it is believed that he died in the pure hope and confident joy of an ardent soldier of the cross. He knew that his end drew near, and yet he shuddered not, he shrank not from the awful ordeal which was to bring him into the presence of the All-Seeing Eye. What more can be said?

He was beloved by his family, who now weep around his last remains; he was endered to his neighbors by many acts of kindness and benevolence; he was respected by all who new him. His judgment was good, his deportment correct, his life blameless. In a word, he was that noblest of all the works of God, an honest man.

As a mark of honor to the deceased, and in token of the respect we bear his memory, I now move that we concur in the resolutions.

Which motion unanimously prevailed.

Whereupon,

Mr. Hanna moved that as a further token of respect to the deceased, the Senate do now adjourn.

Which motion prevailed.

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TUESDAY MORNING, }  
March 2, 1852. }

The Senate met.

The Journal of yesterday was read.

#### REPORTS SUBMITTED.

By Mr. Winstandley, from the committee on Finance:

MR. PRESIDENT:

The committee on Finance, to whom was referred a resolution of the Senate in relation to the sale of the State's interest in the Madison and Indianapolis railroad, have had the subject under consideration, and deem further legislation thereon at this time unnecessary, have instructed me to report the resolution back to the Senate and

recommend that it be laid on the table and the committee discharged from the further consideration thereof.

Which was concurred in.

By Mr. Cravens, from the same committee:

MR. PRESIDENT:

The committee on Finance, to whom was referred resolutions on the subject of the domestic debt of the State, and the depositing by the county treasurer the amount of State revenue on hands, and the compensation for the same, have had the subject under consideration, and have directed me to report them back to the Senate and recommend that they be laid on the table.

Which was concurred in.

By Mr. Emerson, from the same committee:

MR. PRESIDENT:

The committee on Finance have considered a resolution instructing said committee to report a bill to provide for the election of township assessors, and inasmuch as the Senate has already acted upon a bill upon that subject, I have been instructed by said committee to report said resolution to the Senate and recommend that it be laid upon the table, and to ask that said committee be discharged from the further consideration of the subject.

Which was concurred in.

By Mr. Cravens, from the same committee:

MR. PRESIDENT:

The committee on Finance, to whom was referred so much of the Governor's message as relates to the inequality of the valuation of lands in adjoining counties, have had the subject under consideration, and have directed me to report it back and recommend that it be laid on the table.

Which was concurred in.

By Mr. Emerson, from the same committee:

MR. PRESIDENT:

The committee on Finance, to which was referred Senate bill No. 93, entitled, a bill to provide for the payment of the public debt of

the State, and prescribing the means of accomplishing this object, have had the same under consideration, and a majority of said committee have directed me to report it back without amendment, and respectfully recommend its passage.

The accompanying bill was ordered to be engrossed for a third reading.

By Mr. Cravens, from the same committee:

**MR. PRESIDENT:**

The committee on Finance, to whom was referred a resolution on the subject of printing the lecture of Dr. R. T. Brown, delivered in the Hall of the House of Representatives on the 22d of January, 1852, have had the subject under consideration, and have directed me to report it back to the Senate and recommend that it be laid on the table.

Which was concurred in.

By Mr. Hester, from the same committee:

**MR. PRESIDENT:**

The committee on Finance, to which was referred a communication from Messrs. Maitland Phelps & Co., together with a memorial addressed to the General Assembly from one John P. Noble, of 25 Regent's Square, London, setting forth that he is the holder of six \$1000 five per cent. bonds of the State, which, he says, are not only secured by the Wabash and Erie canal, but for the payment of which the faith of the State is irrevocably pledged, and complaining that he has not received any interest on said bonds since January 1, 1841, and asking redress in the premises, have had the same under consideration, and have directed me to report, that while they acknowledge the non-payment of the interest on said bonds to be a fixed fact, a foregone conclusion, and deeply sympathize with the said John P. Noble thereat; and without troubling themselves with endeavoring to convince him that \$3000 secured by said canal, and \$3000 secured by the faith of the State, are thereby better guaranteed than \$6000 would be, for the payment of which the faith of the State and the Wabash and Erie Canal are pledged. In view of the State debt arrangement so happily effected for the pecuniary interests of the State in the year 1847, with which most of the bondholders have complied, they feel it incumbent on them to recommend that it is inexpedient to grant the redress contemplated in the memorial, and they ask to be discharged from the further consideration of the subject.

Which was concurred in.



By Mr. Reid, from the same committee:

MR. PRESIDENT:

The committee on Finance to whom was referred resolution of the Senate instructing the committee to enquire into the expediency of reporting a bill making an annual appropriation for colonization purposes have had the same under consideration and inasmuch as the Senate has already acted thereon, the committee ask to be discharged for all further consideration of the subject.

Which was concurred in.

By Mr. Hester from the same committee:

MR. PRESIDENT:

The committee on Finance to whom was referred a resolution of the Senate requesting said committee to enquire into the expediency of reporting a bill to exempt from taxation all stock in Rail roads, Plank roads, Turnpike and other thoroughfares, have had the same under consideration and have directed me to report it back to the Senate, and express it as their opinion that the legislation asked for in said resolution is inexpedient.

Which was concurred in.

By Mr. Winstandley from the same committee:

MR. PRESIDENT:

The committee on Finance to whom was referred bill No. 60, of the Senate, entitled, "an act to amend an act for the more effectual, just and equal assessment and valuation of the personal property, moneys, rights, credits, effects and corporation stocks in the State of Indiana," with certain instructions, have had the bill under consideration and directed me to report it back to the Senate with a recommendation that it be laid on the table.

Which was concurred in.

By Mr. Reid from the same committee:

MR. PRESIDENT:

The committee on Finance to whom was referred resolution of the Senate, instructing the committee to enquire into the propriety of selling the interest of the State in the Madison Rail road company have had the same under consideration, and inasmuch as the

Senate has already acted thereon ask to be discharged from all further consideration of the subject.

Which was concurred in.

By Mr. Dougherty from the committee on the Judiciary:

MR. PRESIDENT:

The committee on the Judiciary, to whom was referred Senate bill No. 52, entitled, "a bill to amend the third section of an act entitled an act to incorporate the White River navigation company, approved Feb. 13th, 1851, and to extend the rights and privileges of said company," with instructions to enquire into the constitutionality thereof, have had the same under consideration and a majority of said committee have directed me to report that, in their opinion, as the bill is special and extends, (in the language of its title) "the rights and privileges of said company," it is in conflict with that provision of the constitution which prohibits the General Assembly from creating corporations, other than banking, by special act. They, therefore, recommend that said bill be laid upon the table.

Which was concurred in.

By Mr. Niblack from the committee on the Judiciary:

MR. PRESIDENT:

The committee on the Judiciary, to whom was referred House bill No. 158, entitled "an act to legalize the election of directors of bridge companies, and the acts of such directors, and fixing a time for holding the election, and prescribing the term of office of such directors," have had the same under consideration, and have instructed me to report the same back to the Senate and respectfully recommend its passage.

The accompanying bill was ordered to a third reading.

By Mr. Slack, from the same committee:

MR. PRESIDENT:

The Judiciary committee, to which was referred House bill No. 136, have had the same under consideration, and have requested me to report the same back to the Senate without amendment, and recommend its passage.

The accompanying bill was ordered to a third reading.

By Mr. Logan, from the same committee:

MR. PRESIDENT:

The committee on the Judiciary, to whom was referred Senate bill No. 86, have had the same under consideration, and a majority of said committee have instructed me to report the same back to the Senate, and recommend that it be laid on the table.

Which was concurred in.

By Mr. Dougherty, from the same committee:

MR. PRESIDENT:

The Judiciary committee, to whom was referred House bill No. 144, entitled "an act authorizing the proof of deeds and mortgages in certain cases therein named, for the purpose of admitting the same to record, and legalizing all record of deeds thirty years old," have had that matter under consideration, and are of opinion that it is inexpedient to pass the same, and have directed me to report the bill back to the Senate, and recommend that it be laid upon the table.

The question being, Will the Senate concur in the report of the committee?

It was decided in the negative.

Mr. Slack moved to refer the bill to a select committee;

Which was agreed to, and

Messrs. Slack, Emerson and Marshall, were appointed said committee.

By Mr. Hanna, from the same committee:

MR. PRESIDENT:

The committee on the Judiciary, to which was referred House bill No. 62, have had the same under consideration, and a majority of said committee have directed me to report the same back with the following amendments, upon the adoption of which they recommend its passage:

1st. Strike out the word "three" in the 1st section, and insert in lieu thereof the word "six;" and strike out of said section all that relates to judgments of justices of the peace.

2d. Strike out the word "two" in the 6th section, and insert the word "ten."

3d. Strike out the words "twelve months" in the 16th section, and insert "two years."

4th. Strike out "six" in the 27th section, and insert "ten."

The accompanying bill was read a second time; when,  
 On motion by Mr. Emerson,  
 The bill and pending amendments were laid on the table.  
 By Mr. Niblack, from the same committee:

MR. PRESIDENT:

The committee on the Judiciary, to whom was referred so much of the Governor's message as relates to the "pardoning power," have had the subject under consideration, and have instructed me to report that, in the opinion of said committee, legislation upon that subject is now unnecessary; and to ask to be discharged from the further consideration of the same.

Which was concurred in.

By Mr. Slack, from the same committee:

MR. PRESIDENT:

The Judiciary committee, to which was referred Senate bill No. 23, has had the same under consideration, and a majority of said committee requested me to report the same back with the following amendments to the amendments, for the action of the Senate:

After the word "clerk," in the 5th line of the 3d section, strike out the word "one;" strike out all the 6th line except the word "as."

In the 4th section, strike out the word "March," and insert in lieu thereof the word "June."

After the word "they" in the 3d line of the 11th section, insert as follows: "shall act as overseers of the poor and fence viewers of their respective townships."

The accompanying bill was read a second time, and the amendments concurred in.

The question then being, shall Senate bill No. 23 be engrossed for a third reading?

It was decided in the affirmative—ayes 20, noes 18.

The ayes and noes were demanded by Messrs. Reid and Milliken.

*Those who voted in the affirmative were,*

Messrs. Alexander, Allen, Defrees, Delevan, Eddy, Henton, Hester, Holloway, Kendall, Longshore, Marshall, McCarty, Mickle, Milliken, Odell, Slack, Spann, Turman, Washburn, and Witherow.

*Those who voted in the negative were,*

Messrs. Athon, Berry, Brugh, Cravens, Dougherty, Emerson, Goodman, Hanna, Hatfield, Hicks, Hunt, Knowlton, Logan, Miller, Niblack, Reid, Sleeth, Walker, and Winstandley.

By Mr. Hicks, from the committee on Education:

MR. PRESIDENT:

The committee on Education, to which was referred bill of the House No. 118, entitled, an act authorizing alien friends to take by descent, or devise, &c., have had the same under consideration, and a majority of the committee have directed me to report said bill back to the Senate with one amendment, and on its adoption the passage of the bill is recommended.

Amend as follows:

Strike out from the fourth line, third section, the words "this State," and insert in lieu thereof, "the United States."

The accompanying bill was read a second time and the amendments of the committee concurred in, when,

Mr. Emerson moved to amend as follows:

By striking out the second section.

Mr. Emerson moved a call of the Senate.

Which was ordered.

On motion by Mr. Emerson,

The further call was suspended.

Mr. Athon moved to lay the amendment on the table.

Mr. Eddy moved to amend the motion so as to lay the bill on the table.

Which was agreed to.

The motion as amended was decided in the affirmative.

By Mr. Hicks, from the committee on the Benevolent Institutions of the State:

MR. PRESIDENT:

The committee on Benevolent institutions, to which was referred a resolution of the Senate, directing an inquiry into the expediency of reporting a bill giving the boards of commissioners of the several counties power, in their discretion, to collect from the estates of insane persons the expenses of conveying them to the Indiana Hospital for the Insane, when they may have been sent to the same for cure and medical treatment, according to the existing laws of the State, have duly considered the same, and a majority of the committee have directed me to report that in their opinion it is inexp-

dient to legislate on the subject at this time, and the committee ask to be discharged from the further consideration thereof.

Which was concurred in.

Bp Mr. Slack, from a select committee :

MR. PRESIDENT :

The select committee to which was referred bill of the Senate, No. 95, have had the same under consideration and have requested me to report the same back with the following amendments, to-wit :

Strike out the preamble.

Strike out the bill from the enacting clause, and insert the following :

That an act defining the duties of auditor and treasurer of the counties of Delaware and Randolph, approved January 5, 1850, be and the same is hereby repealed.

SEC. 2. Inasmuch as said act hereby repealed will continue in force until the laws of the present General Assembly are published, it is hereby declared that an emergency exists which requires that this act should be put in force immediately, therefore this act shall take effect and be put in force from and after its passage, and the Secretary of State is hereby required to furnish a certified copy of this act to the auditors of the counties of Delaware and Randolph.

Upon the adoption of these amendments, the committee would recommend the passage of the bill.

Which was concurred in, and the bill ordered to be engrossed for a third reading.

By Mr. Turman, from the joint committee on Enrolled Bills :

MR. PRESIDENT :

The joint committee on Enrolled Bills having examined Senate bill No. 94, entitled, an act to attach the county of Boone to the first judicial circuit, report it back correctly enrolled.

Message from the House of Representatives, by Mr. Sites, their Clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following bill and joint resolution of the Senate :

No. 85. A bill regulating the time of holding courts in the 12th

judicial circuit, and to regulate the time of empaneling a traverse jury in the county of Allen.

Also, No. 68. A joint resolution on the subject of the slave trade, and for the purpose of colonization.

Without amendment.

Also, the following message:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill of the Senate:

No. 94, entitled an act to attach the county of Boone to the first judicial circuit;

Without amendment.

#### RESOLUTIONS OFFERED.

By Mr. Saffer:

*Resolved*, That the Senate will not grant the use of the Senate Chamber to any candidate for public office to make a political speech in during the present session; and that we will not make political speeches ourselves until the close of the session.

Mr. Hanna moved the following amendment:

Amend by adding—

Nor will we seek political preferment by advocating any hobby either of a *temperate* or *intemperate* kind.

On motion by Mr. Emerson,

The resolution and pending amendment were laid on the table.

By Mr. Mickle:

*Resolved*, That the Commissioners on Revision be requested to report to the Senate at what time, in the opinion of said Commissioners, they will be able to make a report of their labors for the action of the Legislature.

Mr. Hanna moved to amend as follows:

Amend by adding: that said Commissioners, if they are prepared

so to do, make a report of the result of their labors, so far as accomplished.

Which was accepted.

The resolution as amended was then adopted.

By Mr. Athon:

*Resolved*, That a committee of three, the House concurring therein, one from the Senate and two from the House, be appointed to visit immediately the State Prison, examine and report as soon as practicable, the damages sustained by the late fire.

The question being on the adoption of the resolution,

It was decided in the affirmative—ayes 24, noes 17.

The ayes and noes were demanded by Messrs. Berry and Eddy.

*Those who voted in the affirmative were,*

Messrs. Alexander, Allen, Athon, Brugh, Defrees, Delevan, Eddy, Goodman, Hatfield, Hester, Holloway, Kendall, Longshore, Marshall, McCarty, Mickle, Niblack, Odell, Reid, Saffer, Slack, Sleeth, Turman, Winstandley and Witherow.

*Those who voted in the negative were,*

Messrs. Berry, Cravens, Dougherty, Emerson, Hanna, Henton, Hicks, Hunt, Kinnard, Knowlton, Logan, Mickle, Miller, Milliken, Spann, Walker, and Washburn.

#### BILLS INTRODUCED.

By Mr. Hester:

No. 102. A joint resolution memorializing Congress to pass an act placing assistant surgeons appointed by commanding officers of the United States army during the war with Mexico on the same footing as to bounty land and extra pay as regularly commissioned surgeons;

Which was read a first time and passed to a second reading.

#### ORDERS OF THE DAY.

*Bills on their third reading.*

Senate bill No. 72. A bill providing for the assessment of dam-



ages against liquor sellers for vending spirituous liquors to an habitual drunkard or minor, and requiring such liquor seller to execute a bond, and providing a penalty for his failing so to do.

Was read a third time, when

Mr. Emerson moved to recommit the bill with the following instructions:

Recommit to the same committee with instructions to strike out the word "barrel" wherever it occurs in said bill, and insert the word "quart."

Mr. Eddy moved to amend the instructions by striking out the word "quart," and inserting in lieu thereof, the words "ten gallons." A division of the question was called for.

The President having decided the question divisible, the first question was, will the Senate recommit the bill?

Which was decided in the negative.

The question then being, shall the bill pass?

It failed for want of a constitutional majority—ayes 21, noes 19.

*Those who voted in the affirmative were,*

Messrs. Athon, Defrees, Eddy, Hester, Hicks, Holloway, Hunt, Kendall, Kinnard, Knowlton, Logan, Marshall, McCarty, Mickle, Milliken, Odell, Reid, Saffer, Spann, Turman and Walker.

*Those who voted in the negative were,*

Messrs. Alexander, Allen, Berry, Brugh, Cravens, Delevan, Dougherty, Emerson, Goodman, Hanna, Hatfield, Henton, Longshore, Miller, Niblack, Slack, Washburn, Winstandley and Witherow.

On motion by Mr. Mickle,

The vote just taken was re-considered.

Mr. Mickle then moved to lay the bill on the table,

Which was agreed to.

On motion by Mr. Hester,

The previous order of business was suspended, whereupon he introduced

No. 103. A bill to repeal all laws licensing the retail of spirituous liquors, and affixing a penalty against the sale of such liquors to an habitual drunkard, or person in a state of intoxication, or to a minor.

Which was read a first time and passed to a second reading.

## BILLS ON THEIR SECOND READING.

House bill No. 139. A bill to establish a system of General Banking.

Was read a second time by its title; and,

On motion by Mr. Mickle,

Referred to the select committee on Banking.

Mr. Niblack moved to instruct the committee as follows:

Strike out all that permits bonds or other stocks to be taken as security for the redemption of banking paper proposed to be issued, and to insert a provision in lieu thereof that such banking paper shall only be issued upon a specie basis actually paid in.

Mr. Logan moved to lay the instructions on the table,

Which was decided in the affirmative—ayes 27, noes 15.

The ayes and noes were demanded by Messrs. Logan and Niblack.

*Those who voted in the affirmative were,*

Messrs. Alexander, Allen, Berry, Brugh, Davis, Defrees, Delevan, Dougherty, Eddy, Henton, Hicks, Holloway, Hunt, Kendall, Logan, Longshore, Marshall, McCarty, Mickle, Milliken, Odell, Reid, Turman, Walker, Washburn, Winstandley and Witherow.

*Those who voted in the negative were,*

Messrs. Athon, Cravens, Emerson, Goodman, Hanna, Hatfield, Hester, Kinnard, Knowlton, Miller, Niblack, Saffer, Slack, Sleeth and Spann.

House bill No. 105. A bill to provide for the sale of the stock owned by the State of Indiana in the Madison and Indianapolis Railroad Company;

Was read a second time and ordered to a third reading.

House bill No. 171. A bill to regulate the tolls of grain mills, and prescribing the duties of millers;

Was read a second time, when

On motion by Mr. Athon,

It was referred to the committee on Agriculture.

Senate bill No. 98. A joint resolution instructing our Senators and requesting our Representatives in Congress to use their influence and votes to procure a grant of lands to aid in the construction of the Elkhart, Kosciusko and Miami Railroad ;

Was read a second time, and

The question being, shall the joint resolution be engrossed for a third reading?

It was decided in the affirmative. Ayes 21; noes, 18.

The ayes and noes were demanded by Messrs. Defrees and Turman.

*Those who voted in the affirmative were,*

Messrs. Alexander, Athon, Brugh, Davis, Defrees, Emerson, Henton, Hester, Knowlton, Marshall, McCarty, Mickle, Miller, Niblack, Odell, Reid, Saffer, Spann, Turman, Washburn, and Witherow.

*Those who voted in the negative were,*

Messrs. Allen, Berry, Cravens, Delevan, Dougherty, Eddy, Goodman, Hanna, Hatfield, Holloway, Hunt, Kinnard, Logan, Longshore, Milliken, Sleeth, Walker, and Winstandley.

Senate joint resolution No. 97. A joint resolution instructing our Senators and requesting our Representatives to use their influence and votes to obtain a grant of lands to aid in the construction of the Junction Railroad ;

Was read a second time, and

The question being, shall the joint resolution be engrossed for a third reading?

It was decided in the negative—ayes 19, noes 22.

The ayes and noes were demanded by Messrs. Reid and Eddy.

*Those who voted in the affirmative were,*

Messrs. Alexander, Athon, Brugh, Davis, Defrees, Dougherty, Henton, Hester, Hicks, Kendall, McCarty, Mickle, Miller, Odell, Reid, Saffer, Turman, and Washburn.

*Those who voted in the negative were,*

Messrs. Allen, Berry, Cravens, Delevan, Eddy, Emerson, Good-

man, Hanna, Hatfield, Holloway, Hunt, Kinnard, Logan, Longshore, Marshall, Milliken, Niblack, Sleeth, Spann, Walker, Winstandley, and Witherow.

Senate joint resolution No. 96. A joint resolution instructing our Senators and requesting our Representatives in Congress to use their influence and votes to obtain a grant of lands to aid in the construction of the Fort Wayne and Southern Railroad;

Was read a second time, and

The question being, shall the joint resolution be engrossed for a third reading?

It was decided in the affirmative—ayes 23, noes 18.

The ayes and noes were demanded by Messrs. Winstandley and Mickle.

*Those who voted in the affirmative were,*

Messrs. Alexander, Athon, Brugh, Davis, Defrees, Dougherty, Emerson, Henton, Hester, Hicks, Knowlton, Marshall, McCarty, Mickle, Miller, Niblack, Odell, Reid, Saffer, Spann, Turman, Walker, and Washburn.

*Those who voted in the negative were,*

Messrs. Allen, Berry, Cravens, Delevan, Eddy, Goodman, Hanna, Hatfield, Holloway, Hunt, Kendall, Kinnard, Logan, Longshore, Milliken, Sleeth, Winstandley, and Witherow.

Senate Joint Resolution No. 99. A joint resolution instructing our Senators and requesting our Representatives in Congress to use their influence and exertions to obtain a grant of public lands to aid in the construction of the Fort Wayne and Columbus railroad;

Was read a second time; and,

The question being, shall the joint resolution be engrossed for a third reading?

It was decided in the negative.

Senate Joint Resolution No. 100. A joint resolution instructing our Senators and requesting our Representatives in Congress to use their influence and exertions to obtain a grant of public lands to aid in the construction of the Ohio and Mississippi railroad;

Was read a second time.

The question being, shall the joint resolution be engrossed for a third reading?

It was decided in the affirmative. Ayes 23; noes 19.

The ayes and noes were demanded by Messrs. Knowlton and Milliken.

*Those who voted in the affirmative were,*

Messrs. Alexander, Athon, Brugh, Davis, Defrees, Dougherty, Emerson, Henton, Hester, Hicks, Knowlton, McCarty, Mickle, Miller, Milliken, Niblack, Odell, Reid, Saffer, Slack, Spann, Turman and Washburn.

*Those who voted in the negative were,*

Messrs. Allen, Berry, Cravens, Delevan, Eddy, Goodman, Hanna, Hatfield, Holloway, Hunt, Kendall, Kinnard, Logan, Longshore, Marshall, Sleeth, Walker, Winstandley, and Witherow.

Senate bill No. 101. A bill to reorganize the Board of Trustees of Indiana University, defining their powers and duties, and providing for the election of president and other officers, and pointing out their powers and duties;

Was read a second time; and,

On motion by Mr. Reid,

Referred to the committee on Education.

Mr. Kinnard moved to reconsider the vote refusing to engross Senate joint resolution No. 97;

Which was agreed to.

The question being, shall the joint resolution be engrossed for a third reading?

It was decided in the affirmative.

On motion by Mr. Milliken,

The vote refusing to engross Senate joint resolution No. 99, was reconsidered.

The question being, shall the joint resolution be engrossed for a third reading?

It was decided in the affirmative.

House bill No. 71. A bill to provide for the election of State and county officers, and repealing all former acts inconsistent with the same;

Was read a second time by its title; when,

On motion by Mr. Athon,

It was referred to the committee on County and Township Business.

When,

On motion by Mr. Miller,  
The Senate adjourned.

2 o'clock, P. M.

The Senate met.

On motion by Mr. Miller,

The previous order of business was suspended.

Mr. Miller, from the committee on Roads, submitted the following report:

MR. PRESIDENT:

The committee on Roads, to which was referred sundry resolutions of the Senate, have had the same under consideration, and a majority of said committee have directed me to report the same back, together with the accompanying bill upon that subject, the passage of which they recommend.

The accompanying bill was read a first time and passed to a second reading.

The President laid before the Senate the following communication from the Law Commissioners:

COMMISSIONERS' ROOM, }  
March 2, 1852. }

HON. JAMES H. LANE,

*President of the Senate:*

SIR—Please lay the inclosed communication before the body over which you have the honor to preside.

We are, sir, yours, &c.,

GEO. W. CARR,

J. A. LISTON,

WALTER MARCH.

By order of the Board: GEO. W. HARGETT, Clerk.

COMMISSIONERS' ROOM, }  
March 2, 1852. }

*Gentlemen of the Senate:*

In obedience to the resolution this day adopted by your honorable body, to-wit:

*Resolved*, That the Commissioners on Revision be requested to report to the Senate at what time, in the opinion of said Commissioners, they will be able to make a report of their labors, for the action of the Legislature; and that said Commissioners, if they are prepared so to do, make a report of the result of their labors so far as accomplished.

The Commissioners have the honor to submit the following:

In answer to the first inquiry we state, that in view of the amount of labor which we are necessarily called upon to perform, in order to carry out the provisions of the Constitution, the act creating this commission, and to meet the just expectations of the people, who have demanded a radical reformation in the whole system of judicial procedure, we are unable, at present, to give any definite idea of the time it may require to complete our labors.

In answer to the second inquiry we state that we have prepared a rough draft of some two hundred sections, embracing the more general provisions of a code of procedure for the circuit courts in civil cases.

As we have not been informed whether it would be the pleasure of the General Assembly that the Commissioners perfect a part of the work assigned them, and report it, or that they should pursue their labors until prepared to report a complete code; we have taken it for granted that the latter was the will of the Legislature in the premises, and, therefore, have no part of our labors in a state of completion to be reported.

All of which is respectfully submitted:

J. A. LISTON,  
GEO. W. CARR,  
WALTER MARCH,  
Commissioners.

By order of the board.

Attest: GEO. W. HARGITT, Cl'k.

Which,

On motion by Mr. Mickel,  
Was laid on the table.

Message from the House of Representatives, by Mr. Sites, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following resolution:

*Resolved*, The Senate concurring, that it is the sentiment of a majority of this General Assembly, that the term of the Law Commission be not extended beyond the term of the present session; and that this resolution be communicated to such Commissioners for their information.

In which the concurrence of the Senate is respectfully requested.

The question being, will the Senate reciprocate the resolution?

It was decided in the affirmative. Ayes 29; noes 10.

The ayes and noes were demanded by Messrs. Milliken and Mickle.

*Those who voted in the affirmative were,*

Messrs. Allen, Athon, Berry, Brugh, Cravens, Davis, Defrees, Delevan, Dougherty, Goodman, Hanna, Hatfield, Henton, Hester, Hicks, Kendall, Kinnard, Knowlton, Longshore, Marshall, McCarty, Mickle, Odell, Saffer, Slack, Sleeth, Spann, Washburn, and Witherow.

*Those who voted in the negative were,*

Messrs. Eddy, Emerson, Hunt, Logan, Miller, Milliken, Turman, Walker, and Winstandley.

Also, the following message:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed joint resolution thereof:

No. 26, entitled a joint resolution relative to the claim of Col. Francis Vigo, late a citizen of Knox county, Indiana.

In which the concurrence of the Senate is respectfully requested.

The accompanying joint resolution was read a first time; when,

On motion by Mr. Hanna,

It was rejected.



Message from the Governor by Mr. King, his private Secretary :

MR. PRESIDENT :

I am directed by the Governor to inform the Senate, that he has approved and signed the following bills, to-wit:

No. 48. A joint resolution asking an appropriation of Congress, to erect public buildings in the city of Indianapolis;

No. 77. A joint resolution on the subject of an Agricultural Bureau at Washington City;

Which bills originated in the Senate.

Mr. Eddy introduced

No. 105. A bill to enable county commissioners of the several counties to borrow money for the purpose of erecting and completing court houses, jails, and other county buildings;

Which was read a first time and passed to a second reading.

Mr. Athon, from the committee on Education, submitted the following report:

MR. PRESIDENT :

The standing committee on Education, to whom was referred House bill No. 39, relative to legalizing the action of school commissioners in certain cases, have had the same under consideration, and have directed me to report the bill back and recommend its passage, and ask to be discharged from the further consideration of the subject.

Which was concurred in, and the accompanying bill ordered to a third reading.

Mr. Athon also submitted the following report from the same committee:

MR. PRESIDENT :

The standing committee on Education to whom was referred Senate bill No. 101, relative to the organization of the Board of Trustees of Indiana University, and defining their powers, have had the same under consideration, and have directed me to report the bill back with one amendment, and recommend its passage, (to-wit: strike out the 40th section,) and ask to be discharged from the further consideration thereof.

The accompanying bill was read a second time, the amendments of the committee concurred in, and the bill ordered to be engrossed for a third reading:

On motion by Mr. Emerson,

House bill No. 62. A bill for the limitation of civil actions, and for the limitation of liens of judgment upon real estate;  
Was taken from the table.

The question being, will the Senate concur in the amendments proposed by the committee?

On motion by Mr. Emerson,

Each amendment was considered separately.

The question being on concurring in the first amendment proposed by the committee,

It was decided in the affirmative.

The question being, will the Senate concur in the second amendment proposed by the committee,

It was decided in the affirmative.

The question being, will the Senate concur in the third amendment of the committee?

It was decided in the affirmative.

The question then being, will the Senate concur in the fourth amendment proposed by the committee?

It was decided in the affirmative.

When,

Mr. Emerson moved to amend as follows:

Insert after the 5th and before the 6th specification of the 1st section of said bill the following blank specification:

All actions founded on contract or liability express or implied, except as hereinafter provided.

Which was adopted.

Mr. Hanna moved to amend as follows:

Strike out three and insert five years.

Mr. Niblack moved to recommit the bill to the committee on the Practice and Pleadings of Courts of Justice and Criminal Law of this State.

Which motion was decided in the negative.

The question then being on the adoption of the amendment,

A division of the question was called for.

And the President having decided the question divisible, the first question on striking out was decided in the affirmative.

Mr. Emerson moved to amend by inserting "ten" in the third section.

Which was agreed to.

Mr. Emerson moved to amend by inserting "five" in the fourth section.

Which was agreed to.

Mr. Emerson moved to amend as follows:

Strike out the word "ten," in the 5th line of the 5th section, and insert the word "twenty" in lieu thereof.

Which was adopted.

Mr. Emerson moved to amend as follows:

Strike out the word "six," in the 4th line of the 12th section, and insert the word "twenty."

Which was adopted.

Mr. Emerson moved the following amendment:

Strike out the word "ten" in the 26th section in the 4th line thereof, and insert the word "twenty."

Which was adopted, when,

Mr. Eddy moved to lay the bill on the table.

Which was decided in the negative.

The question then being, shall the amendments be engrossed and the bill ordered to a third reading,

It was decided in the affirmative.

Mr. Emerson moved to reconsider the vote on the engrossment of Senate bill No. 101.

Which was agreed to.

Mr. Hester moved to amend the bill as follows:

Strike out section forty-four and insert the following—

As it is provided in this act to elect said trustees at the present session of the General Assembly, an emergency is hereby declared to exist, and this act to be in force from and after its passage.

Which was adopted, and the bill ordered to be engrossed for a third reading.

Mr. Slack moved to take from the table House bill No. 112, a bill for the formation of companies for the detection, &c., of horse thieves, &c.

The question being, Shall the amendments be engrossed and the bill ordered to a third reading?

Mr. Eddy moved the bill be indefinitely postponed.

Which was decided in the negative; ayes 11, noes 27.  
The ayes and noes were demanded by Messrs. Eddy and Emerson.

*Those who voted in the affirmative were,*

Messrs. Alexander, Defrees, Dougherty, Eddy, Emerson, Goodman, Miller, Niblack, Reid, Spann, and Winstandley.

*Those who voted in the negative were,*

Messrs. Allen, Athon, Berry, Brugh, Cravens, Davis, Delevan, Hatfield, Henton, Hester, Hicks, Hunt, Kinnard, Knowlton, Longshore, Marshall, McCarty, Mickle, Milliken, Odell, Saffer, Slack, Sleeth, Turman, Walker, Washburn, and Witherow.

The question then recurring on the engrossment of the amendments and ordering the bill to a third reading,

It was decided in the affirmative. Ayes 27; noes 12.

The ayes and noes were demanded by Messrs. Eddy and Goodman.

*Those who voted in the affirmative were,*

Messrs. Allen, Athon, Berry, Brugh, Cravens, Davis, Delevan, Dougherty, Hatfield, Henton, Hester, Hicks, Hunt, Kinnard, Knowlton, Longshore, Marshall, McCarty, Mickle, Milliken, Odell, Saffer, Slack, Turman, Walker, Washburn, and Witherow.

*Those who voted in the negative were,*

Messrs. Alexander, Defrees, Eddy, Emerson, Goodman, Holloway, Miller, Niblack, Reid, Sleeth, Spann, and Winstandley.

On motion by Mr. Sleeth,  
The Senate adjourned.

WEDNESDAY MORNING, }  
March 3, 1852. }

The Senate met.

The journal of yesterday was read.

The President laid before the Senate the following communication from Hon. Jonathan A. Liston, one of the commissioners on Law Reform.

HON. JAMES H. LANE,  
*President of the Senate:*

SIR:—You will please lay the enclosed document before the body over which you have the honor to preside.

Very respectfully,

Your most ob't. &c.,

JONATHAN A. LISTON.

Indianapolis, March 3d, 1852.

*To the General Assembly of the State of Indiana,*

GENTLEMEN:—As it is impossible for the commissioners on Law Reform to discharge their duties within the time limited by your joint resolution of yesterday, I as one of said commissioners feel it my duty to tender my resignation.

Very respectfully,

Your most ob't. &c.,

JONATHAN A. LISTON.

Indianapolis, March 3d, 1852.

On motion by Mr. Niblack,

The resignation was accepted, and the letter ordered to be spread upon the Journal.

Mr. Turman presented a petition from citizens of Fountain county on the subject of Free Banks, which

On his motion,

Was referred to the select committee on that subject.

Message from the House of Representatives, by Mr. Sites, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Sen-

ate that the House has concurred in the resolution of the Senate, appointing a committee of three, one from the Senate and two from the House, to visit immediately the State Prison and examine and report as soon as practicable, the damages sustained by the late fire, and that Messrs. Hudson and Hay of Clark, have been appointed said committee on the part of the House.

The President appointed Mr. Athon on the part of the Senate.

#### REPORTS SUBMITTED.

By Mr. Reid from the committee on Finance:

MR. PRESIDENT:

The committee on Finance, to whom was referred resolution of the Senate, requesting the committee to devise some means by which a fund may be raised for the purpose of colonizing the negroes of this State, have had the same under advisement, and as the Senate has already acted on the subject, ask to be discharged from all further examination thereof.

Which was concurred in.

By Mr. Reid, from the same committee:

MR. PRESIDENT:

The committee on Finance, to whom was referred joint resolution of the Senate concerning the three per cent. fund, have had the same under consideration, and have instructed me to report the same back to the Senate with the following amendment, which, when adopted, to recommend its passage:

Amend by striking out from the word "resolved," in the enacting clause, and insert the following.

A joint resolution on the subject of three per cent. fund.

WHEREAS, By the act of Congress approved April 19, A. D. 1816, entitled "An act to enable the people of the Indiana Territory to form a Constitution and State government," &c., certain propositions were offered to the Convention by the people of said territory for its free acceptance or rejection, which, if accepted by the Convention, were declared to be obligatory on the United States.

AND WHEREAS, One of said propositions was as follows: That five per cent. of the net proceeds of the lands lying within the said territory, and which should be sold by Congress from and after the first of December, A. D. 1816, after deducting all expenses incident to the same, should be reserved for making public roads

and canals, of which three-fifths should be applied to those objects within the said State, under the direction of the Legislature thereof, and two-fifths to the making of a road or roads leading to the said State under the direction of Congress.

AND WHEREAS, By the ordinance of said convention passed June 29th, 1816, the said propositions were accepted.

AND WHEREAS, Congress by a joint resolution approved 3d of March, 1845, directed the Secretary of the Treasury of the United States, whenever any State shall have been or may be in default for the payment of interest or principal, or investments in stocks or bonds held by the United States in trust to retain certain moneys to which such State is entitled for the purposes therein named.

AND WHEREAS, The Secretary of the Treasury, by the authority of said joint resolution has detained and does withhold from the said State of Indiana, all the said three per cent. accrued since the 1st July, 1844, on account of interest due from said State on certain bonds held by the United States in trust for certain Indian tribes.

AND WHEREAS, Many of the counties of this State, in expectation of the regular and usual payment to them of said three per cent. fund, have entered into contracts for the making and repairing of bridges and roads, and have been unable to pay the individuals who have made and repaired the same, by reason of the said fund having been withheld as aforesaid. Therefore,

SECTION 1. *Be it resolved by the General Assembly of the State of Indiana,* That in their opinion the State of Indiana was made and became a trustee by the said act of Congress, approved 19th April, 1816, for the purposes therein specified, and the disbursement of the proceeds of the said three per cent. fund in the construction and repair of roads and bridges as aforesaid, and that the United States ought not to retain said moneys due and accruing to this fund, for any debt due by the State of Indiana in her individual capacity and not as such trustee.

SEC. 2. *Resolved,* That the Governor of this State be requested to correspond with the proper department at Washington, and ascertain and report to the next session of the General Assembly, the precise amount of said three per cent. fund, due to this State arising from the sales of the public lands, and for which purpose the Governor is hereby authorized to engage the services of some competent and proper person to make the necessary examination and report, so that negotiations may be entered into with the General Government for the purpose of redeeming the bonds of this State held by said Government, and obtaining the moneys due to this fund.

SEC. 3. *Resolved,* That the boards of commissioners of the several counties of this State that may be indebted to any contractor for the building, constructing or repairing of any bridge or public highway, and who have issued their bonds payable out of said fund for the payment thereof, be and are hereby authorized to pay the

same out of any moneys in the treasuries of their respective counties not otherwise appropriated, to be repaid out of said fund.

SEC. 4. *Resolved*, That our Senators be instructed and our Representatives in Congress be requested to vote for and use their interest and influence to procure the passage of a law which will facilitate the payment of said three per cent. balance due to this State, and also to aid the Governor in obtaining an early adjustment of this subject.

SEC. 5. *And be it further resolved*, That a copy of this joint resolution be transmitted by the Governor to each of our Senators and Representatives in Congress.

The amendments of the committee were concurred in, and the joint resolution ordered to be engrossed for a third reading.

By Mr. Cravens, from the same committee:

MR. PRESIDENT:

The committee on Finance, to whom was referred a bill to provide for the appointment of a commissioner to superintend the fencing of the Tippecanoe Battle Ground, have had the subject under consideration, and have directed me to report the bill back with one amendment, after the adoption of which they recommend its passage: Amend by striking out all after the first section, and insert the following:

SEC. 2. It shall be the duty of said commissioner, immediately after his appointment, to survey said battle ground, and ascertain the length of fence necessary to enclose the same; and said commissioner, with the advice and assistance of the Governor, Auditor, and Treasurer of State, shall make out specifications of the length, height and description of said fence, together with the kind of material which shall compose the same, which shall be wood, within post and rail, or plank of the most durable kind; the fence shall be built in good and substantial manner.

SEC. 3. The Governor, Auditor, and Treasurer of State shall have power to make and complete the contract for the building of said fence.

SEC. 4. The commissioner shall superintend the construction and building of said fence, and see that it is done according to the contract; and for his services shall receive the sum of two dollars for each and every day he is actually and necessarily engaged in the performance of his duties, to be paid out of any money in the State Treasury not otherwise appropriated, after his account for such services shall have been verified by his oath or affirmation.

SEC. 5. After said work shall have been completed according to contract, and accepted by said commissioner, he shall certify to the Auditor of State the amount of money to which said contractor



shall be entitled, which sum shall be paid out of any money in the State Treasury, not otherwise appropriated.

SEC. 6. This act to take effect from and after its publication.

The accompanying bill,

No. 79. A bill to provide for the appointment of a commissioner to superintend the fencing of the Tippecanoe Battle Ground ;

Was read a second time, the amendments of the committee concurred in, and the bill ordered to be engrossed for a third reading.

By Mr. Turman, from the joint committee on Enrolled Bills:

MR. PRESIDENT:

The joint committee on Enrolled bills report as correctly enrolled, Senate bill No. 85, entitled "an act to regulate the times of holding courts in the 12th judicial circuit, and to regulate the time of empaneling a traverse jury in the county of Allen ;"

Also, Senate joint resolution No. 68, entitled "a joint resolution on the subject of the slave trade, and for the purpose of colonization."

By Mr. Eddy, from the committee on Corporations:

MR. PRESIDENT:

The committee on Corporations, to whom was referred House bill No. 138, entitled a "bill providing for the incorporation of bridge companies," have had the same under consideration, and have directed me to report it back with the following amendments, which when adopted recommend its passage:

Amend as follows:

1st. Add to the end of the 1st section the following proviso—

*Provided, however,* That no company thus organized shall be authorized to erect any such bridge until the consent of the board of commissioners of the proper county shall have been obtained to the erection of the bridge at the place proposed; and if the stream over which any bridge is proposed to be constructed, is the dividing line of two counties, then the consent of the board of commissioners of each county interested shall first be obtained.

2d. Add to the end of the 7th section the following:

A copy of which by-laws shall be posted up in some conspicuous place or places on, in, or about the toll house of said company, and also in like manner a statement of the rates of toll shall be posted up and shall be kept constantly posted up in some like conspicuous place.

3d. Insert after the first section the following section :

SEC. —. It shall be lawful for any bridge company heretofore organized, or which may be hereafter organized for the purpose of erecting and maintaining toll bridges, from time to time, to increase their capital stock for the purpose of completing any bridge, keeping the same in repair, rebuilding the same, or for protecting the banks of any stream over which the same may be erected from the action of the water, or for any other purpose properly connected with the object of the organization. But before any increase in the capital stock of any such company shall be made, said company shall file in the office of the recorder of the county or counties in which any such bridge may be situated, a statement showing the name of any such company, the water course and place where the said bridge is built, or to be built; the amount of the proposed increase of the capital stock of such company, and the number of shares into which it is to be divided. But no increase in the capital stock of any such company shall be made unless by the consent of so many of the stockholders thereof as shall be the owners in the aggregate of at least three-fifths of the original stock.

4th. Add after the 2d section the following section :

SEC. —. It shall be lawful for any bridge company heretofore organized to increase or reduce the number of directors thereof. *Provided, however,* That the number of the directors of any such company shall in no case be increased to a number exceeding seven, nor reduced to a number less than three.

The accompanying bill was read a second time and the amendments of the committee concurred in, when

Mr. Spann moved to amend as follows:

Strike out the 18th section and insert the following in lieu thereof:

Inasmuch as certain bridge companies already organized are desirous of availing themselves of the provisions of this act before the same shall be published and circulated in the several counties of the State with the other laws an emergency is declared to exist that the same shall take effect immediately, this act therefore shall take effect and be in force from and after its publication in the State Sentinel, State Journal and Statesman.

Which was adopted.

And the amendment ordered to be engrossed, and the bill ordered to a third reading.

By Mr. Defrees, from the same committee:—

MR. PRESIDENT :

The committee on Corporations to whom was referred the peti-

tion of sundry citizens of Troy, Perry county, have had the same under consideration and instructed me to report it back and recommend that it lie upon the table, the Legislature having already acted upon the subject of said petition.

Which was concurred in.

By Mr. Winstandley from the same committee:

MR. PRESIDENT:

The committee on Corporations to whom was referred a resolution requesting them to revise into one act with such amendments as they might deem necessary the general laws for the organization of Plank road companies, have had the same under consideration, and as legislation upon that subject has been had, instructed me to report the resolution back and recommend that it be laid on the table.

Which was concurred in.

By Mr. Mickle from the same committee:

MR. PRESIDENT:

The committee on Corporations to which was referred the petition of "the President and Directors of the Brookville and Greensburg Turnpike Company," have had the same under consideration and a majority thereof have directed me to report that it is inexpedient now to legislate on the subject, they therefore recommend that the petition be laid on the table, and the committee ask to be discharged from the further consideration of the subject.

Which was concurred in.

By Mr. Defrees from the same committee:

MR. PRESIDENT:

The committee on Corporations to whom was referred House bill No. 164, have considered the same and have instructed me to report it back without amendment, and recommend its passage.

The accompanying bill was ordered to a third reading.

Mr. Milliken introduced

Joint resolution No. 106. A joint resolution suspending the operation of the 2d section of an act entitled "an act providing a remedy for the illegal reduction of the aggregate valuation of real estate in the several counties of this State;

Which was read a first time, and passed to a second reading.

## BILLS INTRODUCED.

By Mr. Miller :

No. 107. A bill to incorporate the Paoli and Orleans Railroad Company;  
Which was read a first time, and passed to a second reading.

## ORDERS OF THE DAY.

*Senate Bills on their third reading.*

No. 95. A bill to enable the Treasurer of Delaware county to settle with the county commissioners, county auditors, the Auditor and Treasurer of State ;

Was read a third time, and  
The question being, Shall the bill pass?  
It was decided in the affirmative—ayes 34, noes 1.

*Those who voted in the affirmative were,*

Messrs. Allen, Berry, Brugh, Cravens, Davis, Defrees, Delevan, Eddy, Emerson, Hatfield, Henton, Hester, Hicks, Hunt, Kendall, Kinnard, Knowlton, Logan, Longshore, McCarty, Mickle, Miller, Milliken, Niblack, Odell, Reid, Saffer, Slack, Spann, Walker, Washburn, Winstandley, and Witherow.

Mr. Alexander voted in the negative.

Mr. Slack moved the following amendment to the title :

Amend title as follows—

An act to repeal an act approved January 5th, 1850, relative to the duties of auditor and treasurer, in the counties of Delaware and Randolph.

Which was adopted.

No. 95. A bill to provide for the payment of the public debt of the State, and prescribing the manner of accomplishing this object ;

Was read a third time, when,

Mr, Emerson moved to amend by inserting in section '4 after the word "this" the word "act;"

Which was unanimously agreed to.

The question then being, Shall the bill pass?

It was decided in the affirmative. Ayes 35; noes none.

*Those who voted in the affirmative were,*

Messrs. Alexander, Allen, Berry, Cravens, Davis, Defrees, Delevan, Dougherty, Eddy, Emerson, Hanna, Hatfield, Henton, Hester, Hicks, Hunt, Kendall, Kinnard, Knowlton, Logan, Longshore, McCarty, Mickle, Miller, Milliken, Niblack, Odell, Reid, Saffer, Slack, Spann, Turman, Walker, Washburn, Winstandley, and Witherow.

No. 96. A joint resolution instructing our Senators and requesting our Representatives in Congress to use their influence and votes to procure the passage of a law granting lands to aid in the construction of the Fort Wayne and Southern Railroad;

Was read a third time; and,

The question being, shall the joint resolution pass?

It was decided in the negative. Ayes 18; noes 19.

*Those who voted in the affirmative were,*

Messrs. Alexander, Brugh, Davis, Defrees, Dougherty, Emerson, Henton, Hester, Hicks, McCarty, Mickle, Niblack, Odell, Reid, Saffer, Slack, Spann, and Turman.

*Those who voted in the negative were,*

Messrs. Allen, Berry, Cravens, Delevan, Eddy, Hanna, Hatfield, Kendall, Kinnard, Knowlton, Logan, Longshore, Marshall, Milliken, Sleeth, Walker, Washburn, Winstandley, and Witherow.

No. 97. A joint resolution instructing our Senators and requesting our representatives in Congress to use their influence and votes to obtain a grant of land to aid in the construction of the Junction Rail road;

Was read a third time,

And the question being, shall the joint resolution pass?

It was decided in the negative—ayes 14, noes 23.

*Those who voted in the affirmative were,*

Messrs. Alexander, Brugh, Defrees, Dougherty, Henton, Hester, McCarty, Miller, Niblack, Odell, Reid, Saffer, Slack and Spann.

*Those who voted in the negative were,*

Messrs. Allen, Berry, Cravens, Delevan, Eddy, Emerson, Hatfield, Hicks, Hunt, Kendall, Kinnard, Knowlton, Logan, Longshore, Marshall, Mickle, Milliken, Sleeth, Turman, Walker, Washburn, Winsteadley and Witherow.

No. 98. A joint resolution instructing our Senators and requesting our Representatives in Congress, to use their influence and votes to procure a grant of lands to aid in the construction of the Elkhart, Kosciusko and Miami Rail road.

Was read a third time; and,  
The question being, Shall the joint resolution pass?  
It was decided in the negative—ayes 18, noes 20.

*Those who voted in the affirmative were,*

Messrs. Alexander, Brugh, Davis, Defrees, Dougherty, Emerson, Henton, Hester, Knowlton, McCarty, Niblack, Odell, Reid, Saffer, Slack, Spann, Turman and Washburn.

*Those who voted in the negative were,*

Messrs. Allen, Berry, Cravens, Delevan, Eddy, Hanna, Hatfield, Hicks, Hunt, Kendall, Kinnard, Logan, Longshore, Marshall, Mickle, Miller, Milliken, Sleeth, Walker, Winsteadley and Witherow.

No. 99. A joint resolution instructing our Senators and requesting our Representatives in Congress to use their influence and exertions to obtain a grant of land to aid in the construction of the Fort Wayne and Columbus Rail road.

Was read a third time, and,  
The question being, Shall the joint resolution pass?  
It was decided in the negative—ayes 19, noes 20.

*Those who voted in the affirmative were,*

Messrs. Alexander, Brugh, Davis, Defrees, Dougherty, Emerson,

Hanna, Hester, Knowlton, McCarty, Mickle, Miller, Niblack, Odell, Saffer, Slack, Spann, Turman, and Walker.

*Those who voted in the negative were,*

Messrs. Allen, Berry, Cravens, Delevan, Eddy, Hatfield, Henton, Hicks, Hunt, Kendall, Kinnard, Logan, Longshore, Marshall, Milliken, Reid, Sleeth, Washburn, Winsteadley and Witherow.

No. 100. A joint resolution instructing our Senators and requesting our Representatives in Congress to use their influence and exertions to obtain a grant of public lands to aid in the construction of the Ohio and Mississippi Railroad;

Was read a third time, and

The question being, shall the joint resolution pass?

It was decided in the affirmative. Ayes 17; noes 22.

*Those who voted in the affirmative were,*

Messrs. Alexander, Brugh, Davis, Defrees, Dougherty, Emerson, Hanna, Hester, Knowlton, McCarty, Miller, Milliken, Niblack, Odell, Saffer, Slack, and Spann.

*Those who voted in the negative were,*

Messrs. Allen, Berry, Cravens, Delevan, Eddy, Hatfield, Henton, Hicks, Hunt, Kendall, Kinnard, Logan, Longshore, Marshall, Mickle, Reid, Sleeth, Turman, Walker, Washburn, Winsteadley, and Witherow.

No. 23. An act providing for the election of township officers in civil townships in the several counties in this State, prescribing the mode of doing township business, and the duties of the township officers thereof, with some of the duties of county auditors and treasurers;

Was read a third time; when,

Mr. Eddy moved to lay the bill on the table;

Which motion prevailed.

No. 101. A bill to reorganize the Board of Trustees of Indiana University, defining their powers and duties, and providing for the election of a president and other officers, and pointing out their powers and duties;

Was read a third time, when

Mr. Hanna moved the following amendment :

Amend first section as follows, to-wit :

*Provided*, Such appointment shall expire at the next regular meeting of the trustees.

Which was unanimously agreed to.

The question then being, shall the bill pass?

It was decided in the affirmative. Ayes 38; noes 0.

*Those who voted in the affirmative were,*

Messrs. Alexander, Allen, Berry, Brugh, Cravens, Davis, Defrees, Delevan, Dougherty, Eddy, Emerson, Hanna, Hatfield, Henton, Hester, Hicks, Kendall, Kinnard, Knowlton, Logan, Longshore, Marshall, McCarty, Mickle, Miller, Milliken, Niblack, Odell, Reid, Saffer, Slack, Sleeth, Spann, Turman, Walker, Washburn, Winstandley, and Witherow.

#### HOUSE BILLS ON THEIR THIRD READING.

No. 39. A bill to legalize the action of school commissioners in cases where the tax duplicates have been made out before the taking effect in their counties of the school law of 1849 ;

Was read a third time; and,

The question being, shall the bill pass?

It was decided in the affirmative; ayes 37, noes 1.

*Those who voted in the affirmative were,*

Messrs. Alexander, Allen, Berry, Brugh, Cravens, Davis, Defrees, Delevan, Dougherty, Eddy, Emerson, Hanna, Hatfield, Henton, Hester, Hicks, Hunt, Kendall, Kinnard, Knowlton, Logan, Longshore, McCarty, Mickle, Miller, Milliken, Niblack, Odell, Reid, Saffer, Slack, Sleeth, Spann, Turman, Walker, Washburn, Winstandley, and Witherow.

Mr. Marshall voted in the negative.

On motion by Mr. Hester,

The previous order of business was suspended;

Whereupon, he offered the following resolution :

*Resolved*, The House concurring, that the General Assembly ad-



journal on Monday the 8th inst., to meet again on Tuesday, the 4th day of May next, and that a committee of two on the part of the Senate and three on the part of the House, be appointed to revise and codify the laws, and report at the meeting in May.

Mr. Hanna moved to amend as follows:

*Provided*, That no per diem nor mileage shall be allowed to members (other than said committee), nor to officers of either House during said recess.

Mr. Mickle moved to lay the resolution and pending amendment on the table.

Which was decided in the negative; ayes 13, noes 26.

The ayes and noes were demanded by Messrs. Eddy and Reid.

*Those who voted in the affirmative were,*

Messrs. Berry, Brugh, Cravens, Dougherty, Hicks, Kendall, Kinard, Knowlton, Logan, Longshore, Mickle, Spann, and Winstandley.

*Those who voted in the negative were,*

Messrs. Alexander, Allen, Davis, Defrees, Delevan, Eddy, Emerson, Hanna, Hatfield, Henton, Hester, Hunt, Marshall, McCarty, Miller, Milliken, Niblack, Odell, Reid, Saffer, Slack, Sleeth, Turman, Walker, Washburn, and Witherow.

Mr. Hanna moved to adjourn.

Which was not agreed to.

The question then recurred on the adoption of the amendment.

On motion by Mr. Milliken,

It was so amended as to strike out that part relating to mileage.

The amendment as amended was then adopted.

The question being, "Will the Senate adopt the resolution as amended?"

Mr. Mickle moved to amend by striking out the words "blank day of May," and inserting "the 20th day of April."

Mr. Eddy moved to amend the amendment by striking out the "20th day of April," and inserting the "first Tuesday in May."

Which was agreed to.

The question then recurring on the adoption of the amendment proposed by Mr. Mickle, as amended, it was decided in the affirmative.

Mr. Hatfield moved to strike out the 8th inst. and insert the 15th inst.

Mr. Hanna moved to amend the amendment by inserting the 11th inst.

The question being on the adoption of the amendment proposed by Mr. Hatfield,

It was decided in the negative.

Mr. Winstandley moved to adjourn.

Which motion did not prevail.

The question then being, will the Senate adopt the resolution as amended?

It was decided in the affirmative; ayes 19, noes 19.

There being a tie, the President gave the casting vote.

The ayes and noes were demanded by Messrs. Mickle and Berry.

*Those who voted in the affirmative were,*

Messrs. Alexander, Davis, Defrees, Eddy, Henton, Hester, Hunt, Marshall, McCarty, Miller, Milliken, Niblack, Odell, Reid, Saffer, Slack, Turman, Walker, Washburn, and Mr. President.

*Those who voted in the negative were,*

Messrs. Berry, Brugh, Cravens, Delevan, Dougherty, Emerson, Hanna, Hatfield, Hicks, Kendall, Kinnard, Knowlton, Logan, Longshore, Mickle, Sleeth, Spann, Winstandley and Witherow.

On motion by Mr. Slack,

Leave of absence was granted to Mr. Allen on account of sickness in his family.

On motion by Mr. Kendall,

The Senate adjourned.

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2 o'clock, P. M.

The Senate met.

Senate bill No. 35. A bill authorizing a general banking law;

Being the special order of the day, was taken up; and,

On motion by Mr. Eddy,

Laid on the table.

## HOUSE BILLS ON THIRD READING.

No. 62. A bill for the limitation of civil actions, and for the limitation of liens of judgment upon real estate;

Was read a third time, and,

The question being, shall the bill pass?

It was decided in the affirmative—ayes 33, noes 3.

*Those who voted in the affirmative were,*

Messrs. Alexander, Berry, Cravens, Davis, Defrees, Delevan, Emerson, Hatfield, Henton, Hester, Hicks, Holloway, Hunt, Kendall, Kinnard, Knowlton, Logan, Longshore, Marshall, Mickle, Miller, Milliken, Odell, Reid, Slack, Sleeth, Spann, Turman, Walker, Washburn, Winstandley and Witherow.

*Those who voted in the negative were,*

Messrs. Brugh, Eddy, and Niblack.

No. 105. An act to provide for the sale of the stock owned by the State of Indiana in the Madison and Indianapolis railroad company;

Was read a third time, and

The question being, shall the bill pass?

It was decided in the affirmative—ayes 32, noes 4.

*Those who voted in the affirmative were,*

Messrs. Alexander, Brugh, Cravens, Davis, Defrees, Delevan, Dougherty, Emerson, Henton, Hester, Hicks, Holloway, Hunt, Kendall, Kinnard, Logan, Longshore, Marshall, Mickle, Miller, Milliken, Niblack, Odell, Reid, Slack, Sleeth, Spann, Turman, Walker, Washburn, Winstandley and Witherow.

*Those who voted in the negative were,*

Messrs. Berry, Eddy, Hatfield, and Knowlton.

No. 112. A bill to authorize the formation of companies for the detection and apprehension of horse thieves and other felons, and defining their powers;

Was read a third time, when

Mr. Eddy moved to recommit to a select committee, with the following instructions:

Amend section 2d by inserting, after the words "ten years," in the ninth line of said section, the following:

But such articles of association, with the names of said members, and their residence, shall first be laid before the board of county commissioners of the county in which it is proposed to organize such company. If said board shall approve the objects of such association, as well as the by-laws governing the same, such association shall be deemed organized and incorporated under the provisions of this act, and not otherwise: *Provided, nevertheless*, That said board of commissioners shall at any meeting thereof, have the right, and they are hereby empowered to strike the name of any member from such association, if they deem the public good to require it; and that such examination may from time to time be had, it shall be the duty of the secretary or clerk of such association to report, under oath, the name of each and every member of such association, with their respective places of residence, whenever the board of commissioners of the county shall require it, under the penalty of forfeiting their corporate privileges and powers.

Which was agreed to, and

Messrs. Slack, Eddy and Logan, were appointed said committee.

No. 136. A bill declaratory of the law regulating marriages, and enforcing the same by proper penalties;

Was read a third time.

And the question being, Shall the bill pass?

It failed for the want of a constitutional quorum—ayes 23; noes 3.

*Those who voted in the affirmative were,*

Messrs. Alexander, Berry, Brugh, Cravens, Davis, Defrees, Delevan, Dougherty, Emerson, Hanna, Hatfield, Henton, Hester, Hicks, Holloway, Kendall, Kinnard, Knowlton, Longshore, Marshall, McCarty, Milliken, Niblack, Odell, Reid, Saffer, Slack, Sleeth, Spann, Walker, Washburn, and Witherow.

*Those who voted in the negative were,*

Messrs. Mickle, Miller, and Winstandley.

No. 158. A bill to legalize the election of directors of bridge

companies, and the acts of such directors, prescribing the terms of office of such directors;

Was read a third time; when  
Mr. Niblack moved a call of the Senate;  
Which was ordered.

On motion by Mr. Brugh,  
Mr. Eddy was excused.

On motion by Mr. Niblack,  
The further call was suspended.

The question being, Shall House bill No. 158 pass?  
It was decided in the affirmative. Ayes, 28; noes 8.

*Those who voted in the affirmative were,*

Messrs. Cravens, Defrees, Delevan, Dougherty, Emerson, Henton, Hester, Hicks, Holloway, Kendall, Kinnard, Knowlton, Longshore, Marshall, McCarty, Mickle, Milliken, Niblack, Odell, Saffer, Slack, Sleeth, Spann, Turman, Walker, Washburn, Winstandley, and With-crow.

*Those who voted in the negative were,*

Messrs. Alexander, Berry, Brugh, Hanna, Hunt, Logan, Miller, and Reid.

Mr. Niblack moved to amend the title as follows:

Strike out the words "the same," and insert in lieu thereof the words "the provisions thereof."

Which was adopted.

Mr. Davis moved to suspend the previous order of business.

Which was agreed to.

When he asked leave of absence for ten days, and the question being, will the Senate grant the request?

It was decided in the affirmative; ayes 23, noes 14.

The ayes and noes were demanded by Messrs. Mickle and Logan.

*Those who voted in the affirmative were,*

Messrs. Alexander, Berry, Defrees, Emerson, Hanna, Henton, Hester, Hicks, Holloway, Hunt, Kendall, Kinnard, Longshore, Marshall, McCarty, Miller, Milliken, Niblack, Reid, Saffer, Slack, Turman, and Walker.

*Those who voted in the negative were,*

Messrs. Brugh, Cravens, Delevan, Dougherty, Hatfield, Knowlton, Logan, Mickle, Odell, Sleeth, Spann, Washburn Winstandley, and Witherow.

Mr. Reid asked leave of absence for Mr. Goodman for fourteen days on account of sickness.

The question being, will the Senate grant the leave requested?

It was decided in the affirmative—ayes 29, noes 9.

The ayes and noes were demanded by Messrs. Reid and Logan.

*Those who voted in the affirmative were,*

Messrs. Alexander, Berry, Davis, Defrees, Delevan, Emerson, Hanna, Hatfield, Henton, Hester, Hicks, Holloway, Hunt, Kendall, Kinnard, Longshore, Marshall, McCarty, Mickle, Miller, Milliken, Niblack, Reid, Saffer, Slack, Sleeth, Turman, Walker and Washburn.

*Those who voted in the negative were,*

Messrs. Brugh, Cravens, Dougherty, Knowlton, Logan, Odell, Spann, Winstandley, and Witherow.

Mr. Hester asked leave of absence for Mr. Alexander for one week.

The question being, will the Senate grant the leave requested?

It was decided in the affirmative. Ayes 20; noes 16.

The ayes and noes were demanded by Messrs. Reid and Hester.

*Those who voted in the affirmative were,*

Messrs. Berry, Defrees, Hanna, Henton, Hester, Hicks, Holloway, Hunt, Kendall, Marshall, McCarty, Mickle, Miller, Milliken, Niblack, Reid, Saffer, Slack, Turman and Walker.

*Those who voted in the negative were,*

Messrs. Brugh, Cravens, Delevan, Dougherty, Emerson, Hatfield, Kinnard, Knowlton, Logan, Longshore, Odell, Sleeth, Spann, Washburn, Winstandley and Witherow.

Mr. Niblack asked leave of absence for Mr. Slack for fourteen days, from and after Wednesday next.

The question being, "will the Senate grant the leave requested?"

It was decided in the affirmative—ayes 19, noes 18.

The ayes and noes were demanded by Messrs. Reid and Hester.

*Those who voted in the affirmative were,*

Messrs. Alexander, Cravens, Davis, Defrees, Eddy, Hanna, Henton, Hester, Hicks, Kendall, Marshall, McCarty, Mickle, Miller, Miliken, Niblack, Reid, Turman and Walker.

*Those who voted in the negative were,*

Messrs. Brugh, Delevan, Dougherty, Emerson, Hatfield, Holloway, Hunt, Kinnard, Knowlton, Logan, Longshore, Odell, Saffer, Sleeth, Spann, Washburn and Winstandley.

House joint resolution No. 26, a joint resolution relative to the claim of Col. Francis Vigo late a citizen of Knox county, Indiana.

Was read a second time, when

Mr. Niblack moved to refer the same to the committee on Finance.

Which motion did not prevail.

Mr. Winstandley moved that it be referred to the committee on Federal Relations.

Which was decided in the negative.

Mr. Cravens then moved that the same be referred to the committee on Military Affairs.

Which motion was also decided in the negative.

When on motion by Mr. Slack it was referred to the committee on Canals and Internal Improvements.

#### SENATE BILLS ON THEIR SECOND READING.

No. 105. A bill to enable the county commissioners of the several counties to borrow money for the purpose of erecting and completing court houses, jails and other county buildings.

Was read a second time, when

On motion by Mr. Eddy,

It was referred to the committee on county and township business.

No. 103. An act to repeal all laws licensing the retail of spirituous liquors and affixing a penalty against the sale of such liquor to an habitual drunkard, a person in state of intoxication or to a minor.

Was read a second time, when

Mr. Saffer moved to amend by striking out the word "habitual" wherever it occurs.

Which motion did not prevail.

When,

Mr. Defrees moved to lay the bill on the table;

Which motion was decided in the negative.

Mr. Dougherty moved to amend the first section by inserting the word "requiring" before the word "license," and after the same the word "for."

Which was agreed to.

Mr. Holloway moved to postpone the bill indefinitely.

Mr. Eddy moved to lay the bill on the table;

Which was agreed to.

Senate joint resolution No. 102. A joint resolution memorializing Congress to pass an act placing assistant surgeons, appointed by commanding officers of the United States army, during the war with Mexico, on the same footing, as to bounty lands, and extra pay, as regularly commissioned surgeons;

Was read a second time, when

Mr. Hester moved to amend as follows:

Amend by striking out "one year," whenever it occurs, and inserting "six months."

Mr. Mickle moved to refer the joint resolution and pending amendment to the committee on Military Affairs;

Which was agreed to.

On motion by Mr. Emerson,

The Senate adjourned.



THURSDAY MORNING, }  
March 4, 1852. }

The Senate met.

The Journal of yesterday was read.

Mr. Turman presented the petition of Journeymen Printers of Indianapolis against a reduction of the prices now paid by the State for printing;

Which,

On his motion,

Was referred to the committee on Printing.

#### REPORTS SUBMITTED.

By Mr. Spann, from the committee on Military Affairs:

MR. PRESIDENT:

The committee on Military Affairs, to whom was referred joint resolution of the Senate No. 102—memorializing Congress to pass an act placing assistant surgeons appointed by commanding officers of the United States Army during the war with Mexico, on the same footing, as to bounty land and extra pay, as the regularly commissioned surgeons—have had the same under consideration, and have directed me to report the same back to the Senate with one amendment—striking out “one year” where it occurs in the joint resolution, and inserting “six months”—and recommend its passage as amended.

The amendment of the committee was concurred in, and the joint resolution ordered to be engrossed for a third reading.

By Mr. Slack, from a select committee:

MR. PRESIDENT:

The select committee to which was referred House bill No. 112, with instructions to amend the 2d section of said act, would report that they have had the same under consideration, and requested me to report the same back with the accompanying amendments, and upon the adoption thereof recommend the passage of the bill.

Amend section 2d by inserting after the words "ten years," in the 9th line of said section the following:

But such articles of association with the names of said members and their residence, shall first be laid before the board of county commissioners of the county in which it is proposed to organize such company. If said board shall approve the object of such association as well as the by-laws governing the same, then such association shall be deemed organized and incorporated under the provisions of this act, and not otherwise. *Provided nevertheless,* That said board of commissioners shall, at any meeting thereof, have the right and they are hereby empowered to strike the name of any member from such association if they deem the public good to require it; and that such examination may from time to time be had, it shall be the duty of the secretary or clerk of such association to report, under oath, the name of each and every member of such association, with their respective places of residence, whenever the board of commissioners of the county shall require it, under the penalty of forfeiting their corporate privileges and powers.

The amendments of the committee were concurred in; and,  
The question being, shall the bill pass?  
It was decided in the affirmative; ayes 31, noes 4.

*Those who voted in the affirmative were,*

Messrs. Berry, Brugh, Cravens, Defrees, Delevan, Hanna, Hatfield, Henton, Hester, Hickman, Hicks, Holloway, Hunt, Kendall, Kinnard, Knowlton, Longshore, McCarty, Mickle, Milliken, Niblack, Odell, Reid, Saffier, Slack, Turman, Walker, Washburn, Winstandley, and Witherow.

*Those who voted in the negative were,*

Messrs. Emerson, Logan, Miller, and Spann.

#### RESOLUTIONS.

By Mr. Slack:

*Resolved,* That the Senate will, the House concurring therein, on this day at 2 o'clock, P. M., go into the election of a commissioner to revise and simplify the practice and pleadings of courts of justice in place of the Hon. Jonathan A. Liston, resigned.

Which was adopted; Ayes 19, noes 17.

The ayes and noes were demanded by Messrs. Mickle and Eddy.

*Those who voted in the affirmative were,*

Messrs. Cravens, Defrees, Delevan, Dougherty, Hatfield, Henton, Hester, Holloway, Hunt, Kendall, McCarty, Milliken, Niblack, Saffer, Slack, Turman, Walker, Washburn, and Witherow.

*Those who voted in the negative were,*

Messrs. Alexander, Berry, Brugh, Eddy, Emerson, Hanna, Hickman, Hicks, Kinnard, Knowlton, Logan, Longshore, Mickle, Miller, Odell, Reid, Spann, and Winstandley.

Mr. Eddy offered the following resolution :

*Resolved*, That the Governor be requested to return to the Senate House bill No. 165, in relation to limiting the fees of the auditor of Marshall county, and the repeal of an act therein named.

Which was adopted.

Mr. Milliken introduced

No. 108. A joint resolution on the subject of suppressing small bank notes.

Which was read a first time, and passed to a second reading.

#### BILLS INTRODUCED.

By Mr. Reid ;

No. 109. A bill defining the criminal jurisdiction of justices of the peace.

Which was read a first time, and passed to a second reading.

#### ORDERS OF THE DAY.

*Senate Bills on their Third Reading.*

No. 79. A bill to provide for the appointment of a commissioner to superintend the fencing of the Tippecanoe battle ground ;

Was read a third time,

And the question being, shall the bill pass ?

It was decided in the affirmative. Ayes 33 ; noes 1.

*Those who voted in the affirmative were,*

Messrs. Berry, Brugh, Cravens, Defrees, Delevan, Dougherty, Emerson, Hatfield, Henton, Hester, Hickman, Hicks, Kendall, Kinnard, Knowlton, Logan, Longshore, McCarty, Mickle, Miller, Milliken, Niblack, Odell, Reid, Saffer, Slack, Sleeth, Spann, Turman, Walker, Washburn, Winstandley, and Witherow.

Mr. Holloway voted in the negative.

No. 8. A joint resolution on the subject of the three per cent. fund;

Was read a third time and passed—ayes 27, noes 8.

*Those who voted in the affirmative were,*

Messrs. Alexander, Cravens, Delevan, Dougherty, Eddy, Emerson, Hanna, Henton, Hester, Hickman, Hicks, Hunt, Kinnard, Knowlton, Logan, McCarty, Milliken, Niblack, Reid, Saffer, Slack, Sleeth, Spann, Turman, Walker, Washburn, and Winstandley.

*Those who voted in the negative were,*

Messrs. Berry, Defrees, Holloway, Mickle, Miller, Odell, and Witherow.

#### HOUSE BILLS ON THEIR THIRD READING.

No. 164. A bill to repeal an act entitled “an act to amend an act authorizing the construction of plank roads, approved January 15th, 1849,” approved January 14th, 1850;

Was read a third time; and,

On motion by Mr. Emerson,  
Laid on the table.

No. 138. A bill providing for the incorporation of bridge companies;

Was read a third time, when

Mr. Emerson moved to amend as follows:

Add after the word “toll” in the second line of the 13th section the words “with intent to defraud any such company.”

Which was unanimously adopted.

The question being, shall the bill pass?  
It was decided in the affirmative, ayes 30, noes 3.

*Those who voted in the affirmative were,*

Messrs. Berry, Brugh, Cravens, Delevan, Dougherty, Eddy, Emerson, Henton, Hester, Hickman, Hicks, Holloway, Hunt, Kendall, Kinnard, Knowlton, Logan, McCarty, Mickle, Miller, Milliken, Niblack, Odell, Reid, Slack, Sleeth, Spann, Turman, Walker, Washburn, Winstandley, and Witherow.

*Those who voted in the negative were,*

Messrs. Alexander, Defrees, and Hanna.

On motion by Mr. Slack,

The previous order of business was suspended; when,

On his motion,

Mr. Niblack was added to the select committee on House bill No. 141.

#### SENATE BILLS ON THEIR SECOND READING.

No. 106. A joint resolution suspending the operation of the 2d section of an act entitled "an act providing a remedy for the illegal reduction of the aggregate valuation of real estate in the several counties of this State;"

Was read a second time, and ordered to be engrossed for a third reading.

No. 107. A bill to incorporate the Paoli and Orleans Railroad Company;

Was read a second time, and

On motion by Mr. Reid,

Referred to the committee on the Judiciary.

No. 104. A bill laying out and establishing highways, change and vacation thereof, the erection of bridges, duties and powers of officers entrusted with the care and superintendence of highways and bridges, the election and duties of supervisors, with some miscellaneous provisions relating to highways;

Was read a second time by its title; when

Mr. Mickle moved it be laid on the table ;

Which was not agreed to.

Mr. Spann moved to adjourn ;

Which was not agreed to.

Mr. Sleeth moved to suspend the reading of the bill till a call of the Senate be had ;

Which motion prevailed, and the call was ordered.

On motion,

The absentees were sent for.

On motion by Mr. Milliken,

The call was suspended.

The Secretary proceeded to read the bill ; when

Mr. Brugh moved the Senate adjourn.

Which was not agreed to.

Mr. Longshore moved to adjourn ;

Which motion did not prevail.

Mr. Slack moved to refer the bill to the committee on County and Township Business.

Which was not agreed to.

Mr. Milliken moved to refer the bill to a select committee of one from each judicial circuit.

Which motion prevailed.

And Messrs. Milliken, Niblack, Saffer, Hester, Holloway, Withers, Hanna, Dougherty, Eddy, Defrees and Slack, were appointed said committee.

Mr. McCarty presented the petition of the different fire companies of the city of Indianapolis ;

Which,

On motion by Mr. Mickle,

Was referred to the committee on Finance.

The following communication was received from his Excellency, the Governor.

EXECUTIVE DEPARTMENT, }  
INDIANAPOLIS, March 4, 1852. }

HON. JAMES H. LANE,

*President of the Senate :*

Please to lay before the Senate bill No. 165, an act for the repeal of an act limiting the fees of the auditor in the county of Marshall, which is requested to be returned according to a resolution of the Senate this day passed.

Respectfully yours, &c.,

JOSEPH A. WRIGHT.

Mr. Eddy moved to reconsider the vote on the passage of the bill. Which was agreed to.

Mr. Eddy then moved to reconsider the vote ordering the bill to be engrossed.

Which motion prevailed.

On motion by Mr. Eddy,

The bill was referred to a select committee.

Messrs. Eddy, Emerson and Marshall were appointed said committee.

The following message was received from the House of Representatives, by Mr. Sites, their Clerk :

**MR. PRESIDENT :**

I am directed by the House of Representatives to inform the Senate that the House has concurred in the report of the committee of free conference appointed to adjust the disagreement of the two Houses to engrossed amendments of the Senate to engrossed bill of the House No. 56, an act making general provisions concerning courts of justice, and the powers and duties of judicial officers, and recede from their disagreement to said engrossed amendments, and concur in the same.

Also, the following message :

**MR. PRESIDENT :**

I am directed by the House of Representatives to inform the Senate that the Speaker has signed the following enrolled bills of the Senate: Nos. 74, 94, 85, 68 and 88.

Which I am directed to bring to the Senate for the signature of the President thereof.

Mr. Slack, from the committee on Free Conference, to whom was referred the disagreement of the two Houses on House bill No. 122, submitted the following report :

**MR. PRESIDENT :**

The committee of Free Conference on the part of the Senate, to take into consideration the disagreement between the two Houses on the engrossed amendments of the Senate to engrossed bill of the House No. 122, providing for the organization of county boards, and defining their powers and duties, ask leave to report that after due deliberation and conference, the committee on the part of the House agree to concur in the 4th and 5th amendments of the Senate to said bill No. 122.

Mr. Knowlton moved to adjourn.  
 Which motion did not prevail.  
 Mr. Slack moved a call of the Senate.  
 Which was not agreed to.  
 On motion by Mr. Knowlton,  
 The Senate adjourned.

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2 o'clock, P. M.

The Senate met.

On motion by Mr. Milliken,  
 Mr. Spann was called to the chair.  
 On motion by Mr. Eddy,  
 The previous order of business was suspended.  
 Whereupon he offered the following resolution :

**WHEREAS**, the business of legislation is much impeded, and the passage of important bills, deeply affecting the public interests presented by reason of the absence of several of the members of this body.

**AND WHEREAS**, from this cause, an exigency has arisen in the progress of legislation, demanding the prompt and vigorous correction of the Senate.

*Therefore be it Resolved*, That all leaves of absence granted by the vote of the Senate, to any member thereof be and is hereby revoked.

*Resolved*, That the Door-keeper be directed to arrest and to take into custody all members now absent from this body who do not return to their seats by Wednesday, the 10th inst., and bring them into the Senate, excepting such Senators from this resolution as are absent from sickness, or sickness in their families of so serious a nature as absolutely to require their attendance.

*Resolved*, That hereafter no leave of absence be granted except upon the written application of the member asking the same, setting forth the reasons therefor, which application shall be placed upon the Journal of the Senate.

Mr. Logan moved a call of the Senate,  
 Which was ordered.

Mr. Emerson moved to excuse Mr. Marshall,  
 Which was decided in the affirmative—ayes 20, noes 14.  
 The ayes and noes were demanded by Messrs. Mickle and Logan.



*Those who voted in the affirmative were,*

Messrs. Defrees, Emerson, Henton, Hester, Hicks, Holloway, Hunt, Kendall, Knowlton, Miller, Niblack, Odell, Reid, Saffer, Slack, Turman, Walker, Washburn, Winsteadley and Witherow.

*Those who voted in the negative were,*

Messrs. Berry, Brugh, Delevan, Dougherty, Eddy, Hanna, Hatfield, Hickman, Kinnard, Logan, Mickle, Milliken, Sleeth and Spann.

Mr. Miller moved to suspend the call.

Which was not agreed to.

Mr. Mickle moved that the names of the absentees be spread upon the Journal.

Which being decided in the affirmative, upon calling the roll, Messrs. Alexander, Cravens, McCarty, and Secrest were absent.

Mr. Eddy moved to suspend the call.

Which motion did not prevail.

On motion by Mr. Knowlton,

The absentees were sent for.

Mr. Eddy moved to excuse Mr. Cravens on account of ill health.

Which was not agreed to.

Mr. Emerson moved that the name of Mr. McCarty be stricken from the list of absentees.

Which motion did not prevail.

Mr. Berry moved to suspend the further call of the Senate;

Which motion did not prevail.

Mr. Defrees moved to suspend the further call.

Which was decided in the negative.

Mr. Spann moved to suspend the further call of the Senate.

Which was decided in the affirmative—ayes 24, noes 10.

The ayes and noes were demanded by Messrs. Spann and Winsteadley.

*Those who voted in the affirmative were,*

Messrs. Berry, Defrees, Delevan, Eddy, Emerson, Henton, Hickman, Kendall, Kinnard, Knowlton, McCarty, Mickle, Miller, Milliken, Niblack, Odell, Reid, Saffer, Spann, Turman, Walker, Washburn, Winsteadley, and Witherow.

*Those who voted in the negative were,*

Messrs. Brugh, Dougherty, Hanna, Hatfield, Hester, Holloway, Logan, Longshore, Slack, and Sleeth.

The question recurring on the adoption of the resolution,  
Mr. Niblack moved that it be laid on the table;

Which was decided in the negative; ayes 15, noes 22.

The ayes and noes were demanded by Messrs. Niblack and Slack.

*Those who voted in the affirmative were,*

Messrs. Alexander, Defrees, Emerson, Hanna, Henton, Hester, Hicks, Hunt, Kendall, Miller, Niblack, Slack, Washburn, Winsteadley, and Witherow.

*Those who voted in the negative were,*

Messrs. Berry, Brugh, Delevan, Dougherty, Eddy, Hatfield, Hickman, Holloway, Kinnard, Knowlton, Logan, Longshore, McCarty, Mickle, Milliken, Odell, Reid, Saffer, Sleeth, Spann, Turman, and Walker.

The question being, will the Senate adopt the resolution?

It was decided in the affirmative—ayes 20, noes 14.

The ayes and noes were demanded by Messrs. Eddy and Spann.

*Those who voted in the affirmative were,*

Messrs. Berry, Brugh, Delevan, Dougherty, Eddy, Hatfield, Hickman, Hicks, Holloway, Kinnard, Knowlton, Logan, Longshore, McCarty, Mickle, Odell, Reid, Saffer, Sleeth and Spann.

*Those who voted in the negative were,*

Messrs. Defrees, Emerson, Hanna, Henton, Hunt, Kendall, Miller, Milliken, Niblack, Turman, Walker, Washburn, Winsteadley, and Witherow.

Mr. Reid offered the following resolution:

*Resolved,* That the Governor be and he is hereby requested to return to this Senate bill No. 85, of the Senate, entitled "A bill regulating the time of holding courts in the 12th judicial circuit, and regulate the time of empaneling traverse jury in the county of Allen."

Which was adopted.

A message from the House of Representatives by Mr. Sites their Clerk.

**MR. PRESIDENT:**

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof:

No. 102. Entitled "A bill regulating the licensing of pilots at the falls of the Ohio, requiring bond and security of such pilots, prohibiting any unlicensed person from acting as such pilot, and providing for the compensation of such pilots, and the revocation of their licenses."

In which the concurrence of the Senate is respectfully requested.

The accompanying bill was read a first time, and passed to a second reading.

Also, the following message:

**MR. PRESIDENT:**

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof:

No. 152. Entitled "A bill authorizing the State Librarian to contract for recovering the State House with tin; also, for the repainting of the outside woodwork, and the necessary plastering to the same."

In which the concurrence of the Senate is respectfully requested.

The accompanying bill was read a first time, and passed to a second reading.

Also, the following message:

**MR. PRESIDENT:**

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bills thereof:

No. 156. A bill to provide for the punishment of offences by imprisonment in the county jail or by fine, to point out the mode of prosecution and the requisites of the charge, and to provide for the qualified repeal of all laws inconsistent therewith.

Also,

No. 170. A bill for the regulation of weights and measures.

In which the concurrence of the Senate is respectfully requested.

The accompanying bills were each read a first time and passed to a second reading.

Also, the following message:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the Speaker has signed the following enrolled bills thereof:

Nos. 39, 105, and 158, which I am directed to bring to the Senate for the signature of the President thereof.

Message from his Excellency the Governor, by Mr. King, executive messenger:

MR. PRESIDENT:

I am directed by the Governor to inform the Senate that he has approved and signed the following bills, to-wit:

No. 68. A joint resolution on the subject of colonization.

No. 74. An act to authorize plank road and turnpike companies to create a sinking fund for the repair of said roads.

No. 88. An act to limit the number of grand jurors and to point out the mode of their selection, defining their jurisdiction, and repealing all laws inconsistent therewith.

No. 94. An act to attach the county of Boone to the first judicial circuit.

All of which bills originated in the Senate.

The following communication was received from his Excellency, the Governor:

EXECUTIVE DEPARTMENT, {  
INDIANAPOLIS, March 4, 1852. }

HON. JAMES H. LANE,

*President of the Senate:*

SIR—Please to lay before the Senate, Senate bill No. 85, an act to regulate the times of holding courts in the twelfth judicial circuit, and to regulate the time of empanneling a traverse jury in the county of Allen; which bill is returned in compliance with a resolution this day adopted by the Senate.

Respectfully yours, &c.,

JOSEPH A. WRIGHT.

Mr. Defrees moved to reconsider the vote on the passage of the bill.

Which was agreed to.

Mr. Defrees then moved that the bill be laid on the table.

Which motion prevailed.

Mr. Niblack offered the following resolution:

*Resolved*, That the House of Representatives be requested to return to the Senate a resolution adopted on yesterday, providing for a temporary adjournment of the two Houses.

Which was adopted.

On motion by Mr. Miller,  
The Senate adjourned.

FRIDAY MORNING, }  
March 5, 1852. }

The Senate met.

The Journal of yesterday was read.

Mr. Reid moved to reconsider the vote adopting the resolution requesting the House to return to the Senate the resolution providing for a temporary adjournment of the General Assembly.

Which motion prevailed.

On motion by Mr. Reid,  
The resolution was laid on the table.

#### PETITIONS PRESENTED.

By Mr. Holloway,  
The petition of citizens of the State of Indiana on the subject of Temperance, which,

On his motion,

Was laid on the table.

By Mr. Saffer, on the same subject.

Which was also laid on the table.

By Mr. McCarty, on the same subject.

Which,

On motion,

Was laid on the table.

## REPORTS SUBMITTED.

By Mr. Turman, from the committee on the State Library:

MR. PRESIDENT:

The committee on the State Library to whom was referred a resolution of inquiry as to the expediency of purchasing, for the use of the State Library, thirty-eight bound volumes of the "*Western Sun and General Advertiser*," have had that subject under consideration and directed me to report, for the action of the Senate, the following bill:

The accompanying bill No. 110, a bill to provide for the purchase of 38 bound volumes of the "*Western Sun and General Advertiser*" for the use of the State Library.

Was read a first time, and passed to a second reading.

## ORDERS OF THE DAY.

Mr. Mickle moved to take from the table Senate bill

No. 85. A bill to regulate the time of holding courts in the twelfth judicial circuit, and to regulate the time of empanneling a traverse jury in the county of Allen;

Which being decided in the affirmative,

He moved to strike out the 2d section;

Which was unanimously agreed to.

The question being, Shall the bill pass?

It was decided in the affirmative. Ayes 36; noes 1.

*Those who voted in the affirmative were,*

Messrs. Alexander, Berry, Brugh, Cravens, Defrees, Delevan, Dougherty, Eddy, Emerson, Hanna, Hatfield, Henton, Hester, Hickman, Hicks, Holloway, Kendall, Kinnard, Knowlton, Logan, Longshore, McCarty, Mickle, Miller, Milliken, Niblack, Odell, Reid, Slack, Sleeth, Spann, Turman, Walker, Washburn, Winstandley, and Witherow.

Mr. Hunt voted in the negative.

On motion by Mr. Mickle,

The title was amended by striking out that part which relates to the empanneling of jurors in the county of Allen.

On motion by Mr. Niblack,

The order of business was suspended ; whereupon he introduced

No. 111. A bill to provide for the sale of the north-west quarter of section 26, in township 1 north or range 5 west, in the county of Dubois,—the same having been reserved as Saline lands ;

Which was read a first time and passed to a second reading.

#### SENATE JOINT RESOLUTIONS ON THEIR THIRD READING.

No. 102. A joint resolution memorializing Congress to pass an act placing assistant surgeons appointed by commanding officers of the United States army during the war with Mexico, on the same footing, as to bounty land and extra pay as regularly commissioned surgeons ;

Was read a third time.

And the question being, Shall the joint resolution pass ?

It was decided in the affirmative. Ayes 31 ; noes 4.

*Those who voted in the affirmative were,*

Messrs. Alexander, Brugh, Cravens, Delevan, Dougherty, Eddy, Emerson, Hatfield, Henton, Hester, Hickman, Hicks, Holloway, Hunt, Kendall, Kinnard, Knowlton, Logan, McCarty, Mickle, Miller, Niblack, Odell, Reid, Saffer, Slack, Spann, Turman, Walker, Washburn, Winstandley, and Witherow.

*Those who voted in the negative were,*

Messrs. Berry, Defrees, Kendall, and Milliken.

No. 106. A joint resolution suspending the operation of the 2d section of an act entitled "an act providing a remedy for the illegal reduction of the aggregate valuation of real estate in the several counties of this State ;

Was read a third time, when

Mr. Defrees moved to recommit to a select committee, with the following instructions.

Add the following section :

SEC. —. That so much of the first section of said act as requires the county auditor to estimate the proper amount of taxes chargeable on the duplicate in counties where unlawful reductions have been made, is hereby suspended for one year, except so far as may apply to the State revenue.

Which was agreed to.

Messrs. Defrees, Milliken, and Hester, were appointed said committee.

#### SENATE BILLS ON THEIR SECOND READING.

No. 108. Joint resolution on the subject of suppressing small bank notes ;

Was read a second time, and

The question being, shall the joint resolution be engrossed for a third reading?

It was decided in the affirmative. Ayes 23; noes 12.

The ayes and noes were demanded by Messrs. Mickle and Milliken.

*Those who voted in the affirmative were,*

Messrs. Alexander, Berry, Cravens, Delevan, Dougherty, Eddy, Emerson, Hatfield, Hester, Hickman, Hicks, Hunt, Kinnard, Logan, Mickle, Miller, Milliken, Niblack, Reid, Sleeth, Spann, Winstandley and Witherow.

*Those who voted in the negative were,*

Messrs. Brugh, Defrees, Henton, Holloway, Kendall, Knowlton, Longshore, McCarty, Odell, Saffier, Turman, and Washburn.

No. 109. A bill defining the criminal jurisdiction of justices of the peace;

Was read a second time by its title; when,

On motion by Mr. Reid,

The bill was referred to the committee on the Judiciary.

#### HOUSE BILLS ON THEIR SECOND READING.

No. 170. A bill for the regulation of weights and measures ;



Was read a second time by its title; when,  
 On motion by Mr. Reid,  
 It was referred to the committee on Agriculture.

No. 152. A bill authorizing the State Librarian to contract for recovering the State House with tin; also, for repainting of the outside woodwork, and the necessary plastering to the same;

Was read a second time by its title; when,  
 On motion by Mr. Mickle,  
 The bill was referred to the committee on Public Buildings.  
 Mr. Emerson moved to instruct the committee as follows:

Instruct the committee to strike out so much of said bill as provides for recovering said roof with tin, and insert a provision for the recovering of the same with the fire and water proof composition roofing material.

Which was adopted.

No. 156. A bill to provide for the punishment of offences by imprisonment in the county jail, or by fine;

Was read a second time by its title; when,  
 On motion by Mr. Mickle,  
 It was referred to the committee on the Practice and Pleadings of Courts of Justice and Criminal law of the State.

No. 102. A bill regulating the lincensing of pilots at the Falls of the Ohio, requiring bond and security of such pilots, prohibiting any unlicensed person from acting as such pilot, and providing for the compensation of such pilots, and the revocation of their licenses;

Was read a second time, and  
 On motion by Mr. Winstandley,  
 It was referred to the committee on Federal Relations.

Message from the House of Representatives, by Mr. Owen, a member:

ME. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has concurred in the following resolution of the Senate:

*Resolved*, The House concurring, that the General Assembly ad-

journal on Monday the 8th inst., to meet again on Tuesday, the 4th day of May next, and that a committee of two on the part of the Senate and three on the part of the House be appointed to revise and codify the laws, and report at the meeting in May. *Provided*, That no per diem allowance shall be allowed to members (other than said committee,) nor to officers of either House during said recess," with the following amendment:

Strike out from the word "resolved," and insert: "The House concurring, that the General Assembly adjourn on Wednesday, the 10th of March, to meet again on Tuesday, the 20th day of April, and that a committee of two on the part of the Senate and four on the part of the House, be appointed to revise the laws, and report to the Legislature when it reassembles in April. *Provided*, That no per diem shall be allowed to members other than said committee. *Provided further*, No officer of either House shall receive per diem during said recess. *Provided also*, That the papers of members, except of said committee, shall not be continued during the recess.

To which amendment the concurrence of the Senate is respectfully requested.

On motion by Mr. Reid,  
A call of the Senate was ordered.

On motion by Mr. Reid,  
Mr. Secrest was excused.

On calling the roll, Messrs. Hatfield and Longshore were absent.  
Mr. Mickle moved to suspend a further call.

Which was not agreed to.

On motion,  
The absentees were sent for.

On motion by Mr. Sleeth,  
The call was suspended.

The message was then reciprocated.

Message from the House of Representatives, by their Clerk, Mr. Sites:

**MR. PRESIDENT:**

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bills thereof:

No. 175. Entitled "A bill to authorize the circuit court of Clinton county to sit two weeks, if the business shall require it."

Also, No. 70. Entitled, "A bill to establish courts of common pleas, and defining the jurisdiction and duties and providing compensation for the judges thereof."

Also, No. 86. Entitled "A bill establishing some general provisions respecting corporations."

Also, No. 131. Entitled "A bill granting to all incorporated companies of this State, which possess by virtue of their corporate

powers, the right to build steamboats and other vessels, the further right to construct and use marine railways, and all other fixtures, apparatus and machinery that may be necessary or useful, in the building, repairing or launching of steamboats or other vessels."

In which the concurrence of the Senate is respectfully requested.

The accompanying bills were each read a first time and passed to a second reading.

Also, the following message:

**MR. PRESIDENT:**

I am directed by the House of Representatives to inform the Senate that the House has concurred in the report of the committee of Free Conference appointed to adjust the disagreement of the two Houses to the fourth and fifth engrossed amendments of the Senate to engrossed bill of the House No. 122, entitled "an act to provide for the organization of county boards, and defining their powers and duties," and has receded from their disagreement to the said engrossed amendments.

Also, the following message:

**MR. PRESIDENT:**

I am directed by the House of Representatives to inform the Senate that the House has concurred in the report of the committee of Free Conference, to strike out section 24 of the engrossed bill of the House No. 56, entitled "an act making general provisions concerning courts of justice, and the powers and duties of judicial officers."

Also, the following message:

**MR. PRESIDENT:**

I am directed by the House of Representatives to inform the Senate that the Speaker has signed the following enrolled bill thereof: No. 136, which I am directed to bring to the Senate for the signature of the President thereof.

Also, the following message:

**MR. PRESIDENT:**

I am directed by the House of Representatives to inform the Sen-

ate that the House has concurred in the engrossed amendments of the Senate to engrossed bills of the House

No. 112, entitled "an act to authorize the formation of companies for the detection and apprehension of horse thieves and other felons, and defining their powers;" and

No. 138, entitled "a bill providing for the incorporation of bridge companies."

Mr. Turman, from the joint committee on Enrolled Bills, submitted the following report:

**MR. PRESIDENT:**

House bills Nos. 39, 105 and 158 were, by the joint committee on Enrolled Bills, this day presented to the Governor.

Mr. Reid introduced

No. 112. A joint resolution for the purpose of opening a correspondence with the Executive of Ohio, regarding the assessment and taxation of personal property;

Which was read a first time and passed to a second reading.

Mr. Defrees, from a select committee, submitted the following report:

**MR. PRESIDENT:**

The select committee to whom was referred joint resolution of the Senate No. 106, have had the same under consideration, and have instructed me to report the same back with the instructions adopted, and recommend its passage.

Which was concurred in, and

The question being, shall the joint resolution pass?

It was decided in the affirmative—ayes 31, noes 8.

*Those who voted in the affirmative were,*

Messrs. Alexander, Berry, Defrees, Delevan, Eddy, Emerson, Goodman, Hatfield, Henton, Hester, Hickman, Hicks, Holloway, Hunt, Kendall, Kinnard, Knowlton, Logan, Longshore, McCarty, Miller, Milliken, Niblack, Odell, Reid, Saffer, Spann, Walker, Washburn, and Witherow.

*Those who voted in the negative were,*

Messrs. Brugh, Cravens, Dougherty, Hanna, Mickle, Slack, Turman, and Winstandley.

Mr. Defrees moved to amend the title as follows:

And part of the first section.  
Which was agreed to.

Mr. Slack, from a select committee, submitted the following report:

**MR. PRESIDENT:**

The select committee to which was referred bill of the House No. 144, have had the same under consideration, and have requested me to report the same back without amendment and recommend its passage.

Which was concurred in, and the bill ordered to a third reading.  
Mr. Holloway introduced

No. 113. A joint resolution relative to settlements with the State Printer;

Which was read a first time, and passed to a second reading.

Mr. Reid moved to suspend the rules and read House bill No. 70 a second time now;

Which was decided in the affirmative. Ayes 34; noes 2.

*Those who voted in the affirmative were,*

Messrs. Alexander, Berry, Brugh, Cravens, Delevan, Dougherty, Goodman, Hanna, Hatfield, Henton, Hester, Hickman, Hicks, Holloway, Hunt, Kinnard, Logan, Longshore, McCarty, Mickle, Miller, Milliken, Niblack, Odell, Reid, Saffer, Slack, Sleeth, Spann, Turman, Walker, Washburn, Winstandley, and Witherow.

Messrs. Eddy and Emerson voted in the negative.

The bill was then read a second time by its title, when,

On motion by Mr. Reid,

It was referred to a select committee.

Messrs. Reid, Dougherty, Slack, Sleeth, and Hicks were appointed said committee.

On motion by Mr. Alexander,

The Senate adjourned.

The Senate met.

Messrs. Eddy and Hester were unanimously selected members of the committee to revise the laws, to serve as such during the temporary adjournment of the General Assembly.

Mr. Eddy, from the committee on Corporations, submitted the following report:

Mr. PRESIDENT:

The committee on corporations, to whom was referred bill No. 79, entitled, an act authorizing the construction of plank, McAdamized, and gravel roads, have had the same under consideration and have directed me to report it to the Senate with the following amendments, which when adopted, recommend its passage.

Amend section 4, by inserting after the word "highway," in the 7th line of said section, the following:

Unless a majority of resident freeholders in said county along the line of said proposed road, shall remonstrate against the appropriation and occupation of the same by said company; and any company intending to apply to the board of county commissioners for the appropriation and occupation of the road as aforesaid, shall first give notice by three weeks' publication in some public newspaper of the county in which such road is situated, of the intended application; and shall also post up three printed or written notices at conspicuous points along said road; and if no newspaper be published in said county, then by posting up three additional notices in the most public places in said county, one of which shall be at the door of the court house thereof.

Insert after the word "and," in the same line, the words, "upon the assent of such board as herein provided."

Add at the conclusion of section 4, the following:

Whenever such company shall appropriate any State or county road, or other public highway, to the location and construction of a road under the provisions of this act, it may also appropriate and use as its property, any bridge or bridges thereon: *Provided, however,* If such bridge or bridges have been built by the county in which the same is situate, or by the county and individuals, or by individuals only, said bridge or bridges shall be received and taken as stock in said road by said company, in shares proportionate to the respective contributions or interest of such county, or such county and individuals, or individuals alone, as the case may be. The value of such bridge or bridges shall be determined by the county commissioners and such company, if the parties can agree; if they do not agree,

then the county commissioners and such company shall each choose one disinterested person, and the two thus chosen, shall elect the third, which shall constitute a board of referees, to settle and adjudge the value of the bridge or bridges in controversy; and the said referees shall report their decision to the clerk of the court of the proper county, and file a copy of the same with the auditor thereof; but either party may appeal at their option from the decision of said board to the circuit court of the county.

Amend section 12 by striking out the word "three," in the 12th line of said section, and insert the word "four."

Amend section 13 by striking out the word "four" where it occurs in the first and fourth line of said section, and insert the word "three."

Insert after the words "on the road," in the 11th line of said section, the following:

But when the road is five miles in length, or more than three, then such company shall extend and construct two additional miles, or the fraction thereof equal to the whole length of such road if less than five miles, within one year from the erection of such gate or gates; and if such company shall fail or neglect to make such extension as herein provided, within the time aforesaid, then the right and privilege of taking toll for travel on said road, shall thereafter cease, until such time as said extension is made according to the true intent and meaning of this act.

The tariff of tolls shall not exceed— Strike out the words "not exceeding."

Insert after the word "funerals," in the 22d line, "and religious meetings on Sunday."

Amend section 15 by inserting after the word "company," in the 17th line of said section, the following:

Rules as well as toll rates for travel, shall be placed in full view, and in legible and large letters upon or in each and all of the toll houses of such company on said road.

Amend section 16 by striking out the word "he," in the 6th line of said section, and insert the words "the company."

Insert after the word "extension," in section 23d, in the 18th line, the following:

Any company heretofore incorporated, or any company organizing under this act, or any person or persons may by contract with any other company, construct branch or extension roads connecting with the main line; but the provisions of this act shall in all cases govern and apply to such branch road or extension.

The accompanying bill was read a second time and the amendments of the committee concurred in, when

Mr. Berry moved to amend as follows:

Amend section 23rd by inserting after the words "this act," in the 5th line, "but such company, in adopting the provisions of this

act, shall be subject to all of its liabilities, and be deemed to have abandoned their charter, so far as shall regard the future government of such company."

Which was adopted.

Mr. Turman moved the following amendment:

SEC. —. When any such company shall build a road to any navigable stream of water, they are hereby authorized to establish a ferry across such stream from the end of their road, and to transport thereon all passengers and property from or to their said road across such stream, and to charge and receive such rates of toll therefor as may be established by the board doing county business of the county in which such ferry is situated; and said board is hereby empowered to fix said toll, and all persons traveling upon such ferry shall be liable to pay the toll therefor, under like penalties as are prescribed as to persons traveling upon such road.

Which was adopted.

The amendments were ordered to be engrossed, and the bill ordered to a third reading.

Mr. McCarty, from the committee on Corporations, submitted the following report:

MR. PRESIDENT:

The committee on Corporations, to whom was referred bill of the Senate No. 78, authorizing cities of two thousand inhabitants to borrow money for purposes therein named, have had that subject under consideration, and have instructed me to report the same back to the Senate for its action.

On motion by Mr. Winstandley,

The bill was laid on the table.

The President announced that he now temporarily vacated the chair to give the Senate an opportunity to elect a President *pro tempore*, upon which occasion he made the following remarks, which,

On motion by Mr. Eddy,

Were ordered to be spread upon the Journal:

SENATORS:

In order to enable you to elect a President *pro tempore*, I now vacate the chair, in accordance with parliamentary usage.

In taking leave of you, I desire to tender each of you my heart-



felt thanks, for the many acts of kindness which I have received at your hands.

The duties of this position are both complicated and arduous; and the task of discharging them difficult and perplexing. In the performance of these duties I have, no doubt, committed manifold errors; but I trust you will each do me the justice to attribute them to the head not to the heart, for I assure you that my conduct has at all times been governed by a sincere desire to discharge faithfully and impartially the duties of this position, and by no other or less worthy feeling. If, therefore, either in debate or in the chair, I have given offence to any one of your number, I frankly entreat your forgiveness; and, from my knowledge of the generous and kindly feeling which you have all along manifested toward me, I know you will grant me that boon.

You have already determined to adjourn on the 10th of the present month, to reassemble on the 20th of the next. Permit me here to declare that in coming to this conclusion, you have, in my judgment, been governed by the earnest desire to promote the best interests of your constituents, and of the whole State. Aware that the people expect you to give them a code simplifying the pleadings and practice of our courts of justice, before your final adjournment, and that such a code cannot be prepared at once, in such a manner as to render it worthy of the State and satisfactory to all interested. No other step than that which you have now taken was before you, unless you had determined to sit here from week to week, without any power on your part to promote the completion of that great object. By leaving this work to a commission, it will, I doubt not, be ready for your supervision and adoption on your return; and the State will thus be placed in possession of a code which the people can understand, and which, without confusion, delay, or embarrassment, will enable the courts of the State to determine causes at once upon their merits.

You have also determined to revise the entire statute laws of the State—to lay before the people in a single volume, all the laws under which they are to live, and by which they are to be governed; that he who runs may read and understand the rule of his civil conduct. This step was not less necessary to the well being of the people, than the one already alluded to. No man can doubt that a committee of six members of the two Houses, chosen as may be determined by their fellow-members, to act jointly in the preparation of this revision, will accomplish the object with greater facility, correctness and dispatch, than the whole Legislature combined. Large bodies move slowly, and necessarily meet with many hindrances not experienced by bodies less numerous. The diversity of opinion alone is sufficient illustration of the truth of this observation. Besides, the difference in the costs of effecting this object by a committee, and that of reaching it by the action of the entire Legislature, is greatly in favor of the former. It will save both time and money

and secure a better and more perfect system of laws, than can otherwise be obtained. When you reassemble, the labor of revision will have been performed to your hand, and nothing left for you to do, but the work of examination, and the responsibility of giving it the sanction of your approval. This will not require much time; and a magnanimous people will receive the production of your solicitude and toil, with gratitude, and award you their confidence and blessing.

Allow me here to bear testimony to your constituents of the faithful industry and earnest energy with which you have thus far labored in the discharge of your duties. The first General Assembly convened after the adoption of a new organic law, your first duty was to ascertain the changes which that instrument effected in existing laws, and the manner of enacting new ones—a duty alone sufficient to occupy the time of an ordinary session of the Legislature. Your condition at the opening of the session was not unlike that of a ship at sea without compass or rudder, yet in a few days you were enabled, by intense application, to adapt yourselves to the new order of things, under which the suffrages of your fellow-citizens had called you to act; and aided by the ability and industry of the co-ordinate branch of the Legislature, an immense amount of business has already been originated and disposed of. If, in addition to this, your fond anticipations shall be realized, in the simplification and perfection of a code of practice, and a careful revision of the Statutes of the State, you will have accomplished a mighty work, well worthy the lasting gratitude of your countrymen. God grant that the people of Indiana may always be blessed with servants equally faithful, and earnestly devoted to their interests.

In bidding you farewell for the brief period fixed for our brief separation, allow me to express the hope that your reunion with your families and friends, may be as joyful and happy, as to me this parting is painfully sorrowful. For, rest assured, gentlemen, that the earnestness, perseverance and patriotism which you have uniformly displayed since the opening of this session, combined with the kindness and generosity exercised toward me by each one of you have rendered the period of our sojourn together one of the most delightful periods of my whole life. It is this that gives our parting its bitterness, and makes it hard for me to pronounce the word FAREWELL.

On motion,

Mr. Mickle was called to the chair.

Message from the House of Representatives, by Mr. Sites, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Sen-

ate that Messrs. Gibson, Bryant, English and Lindsay are appointed on the part of the House the committee to act with similar committee on the part of the Senate, to revise the laws during the temporary adjournment of the General Assembly.

Which was concurred in.

Also, the following message:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof:

No. 81. Entitled "A bill to authorize trustees and other church officers to receive conveyances of lands and donations for the use of schools, literary societies, meeting houses, churches, Masonic, Odd Fellows, and Sons of Temperance Lodges, and other voluntary and benevolent associations, and some general provisions respecting burying grounds.

Also, bill No. 182. A bill to raise a revenue for State purposes for the year 1852.

In which the concurrence of the Senate is respectfully requested.

Bill No. 182 was read a first time, when

Mr. Slack moved to suspend the rules and read bill No. 182 a second time now;

Which was decided in the affirmative—ayes 36, noes 0.

*Those who voted in the affirmative were,*

Messrs. Alexander, Berry, Brugh, Defrees, Delevan, Dougherty, Hanna, Hatfield, Hester, Hickman, Hicks, Holloway, Hunt, Kendall, Kinnard, Knowlton, Logan, Longshore, McCarty, Mickle, Miller, Milliken, Niblack, Odell, Reid, Saffer, Slack, Sleeth, Spann, Turman, Walker, Washburn, Winstandley and Witherow.

Mr. Eddy moved that the Senate resolve itself into committee of the whole on House bill No. 182;

Which was agreed to.

On motion by Mr. Hanna,

The committee rose; whereupon,

Mr. Saffer, the chairman thereof, submitted the following report:

MR. PRESIDENT:

The committee of the whole, to which was referred House bill No. 182, would respectfully report that they have had the same under

consideration, report it back without amendment, and recommend its passage.

The accompanying bill was read a second time and ordered to a third reading.

Mr. Brugh, from the committee on Public Buildings, submitted the following report:

**MR. PRESIDENT:**

The committee on Public Buildings, to whom was referred House bill No. 152, with the following instructions: to amend by striking out "tin," for roofing, and insert "fire and water proof composition roofing material," have had the same under consideration, and have instructed me to report the bill back, and when said amendment is adopted by the Senate, recommend its passage.

The accompanying bill was read a second time and the amendments of the committee concurred in, when

Mr. Emerson moved the following amendment:

Strike out the 2d section, and insert the following:

**SEC. 2.** Inasmuch as it is necessary that said State House should be re-covered without further delay, an emergency is declared to exist, rendering it important that this act should take effect immediately; this act therefore shall take effect and be in force from and after its passage.

Which was adopted.

The amendments were ordered to be engrossed, and the bill ordered to a third reading.

Message from the House of Representatives by Mr. Sites their Clerk.

**MR. PRESIDENT:**

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill of the Senate:

**No. 101.** An act entitled an act to reorganize the Board of Trustees of Indiana University, defining their powers and duties, and providing for the election of President and other officers, and pointing out their powers and duties:

With three engrossed amendments.

In which the concurrence of the Senate is respectfully requested.

The amendments of the House were concurred in.

Mr. Defrees offered the following resolution :

*Resolved*, That our thanks be tendered to Lieut. Governor James H. Lane, for his dignified, able and impartial discharge of the duties of presiding officer of the Senate.

Which was unanimously adopted.

Mr. Emerson moved to take from the table Senate bill

No. 64. A bill authorizing any company heretofore organized under the provisions of any general or special law of this State, for the purpose of constructing a plank, turnpike, gravel, McAdamized, or coal road, to construct a rail road instead of such turnpike, gravel, plank, McAdamized or coal road, and prescribing the manner in which such change may be made ;

Which motion prevailed.

The question then being, will the Senate concur in the amendment of the committee?—being to strike out all after the word “director” in the 11th section,

It was decided in the affirmative, and

The bill ordered to be engrossed for a third reading.

Leave of absence was granted to Mr. Slack on account of sickness in his family.

On motion by Mr. Emerson,

The Senate adjourned.

SATURDAY MORNING, }  
March 6, 1852. }

The Senate met.

The Journal of yesterday was read.

On motion by Mr. Berry,

*Resolved*, That the Senate now proceed to the election of a President *pro. tem.*

Which was adopted; whereupon,  
The Senate proceeded by a *viva voce* vote to the election of a President *pro. tem.*

*Those who voted for Hon. Samuel S. Mickle were,*

Messrs. Alexander, Berry, Brugh, Cravens, Defrees, Delevan, Dougherty, Eddy, Emerson, Goodman, Hanna, Hatfield, Henton, Hester, Hickman, Hicks, Holloway, Hunt, Kendall, Kinnard, Knowlton, Logan, McCarty, Miller, Milliken, Niblack, Odell, Reid, Saffer, Slack, Spann, Turman, Walker, Washburn, Winstandley, and Witherow.

Mr. Mickle voted for Mr. McCarty.

Hon. Samuel S. Mickle having received the votes of a majority of all the Senators elected, was declared duly elected President *pro. tem.* of the Senate, to serve as such during the absence of the President.

Mr. Mickle was then conducted to the chair by Messrs. McCarty and Reid.

Whereupon, he appropriately tendered to the Senate his sincere thanks for the honor conferred upon him, by thus calling him, for the third time during the present session, to preside over their deliberations.

#### PETITIONS PRESENTED.

By Mr. Slack:

The petitions of citizens of Huntington county, upon the subject of banking;

Which,

On his motion,

Were referred to the committee on Banking.

#### REPORTS SUBMITTED.

By Mr. Hicks, from the committee on Education:

MR. PRESIDENT:

The committee on Education, to which was referred bill of the Senate No. 75, entitled "A bill to encourage education by the incorporation of companies empowered to institute and maintain high

schools, academies, colleges, universities and missionary boards," have had the same under consideration, made one amendment thereto, directed me to report said bill back to the Senate, and upon the adoption of said amendment, to recommend its passage.

Amend by striking out from the word "take," in the first line of the 8th section, to the word "shall," in the third line, inclusive.

The accompanying bill was read a second time, the amendment of the committee concurred in, and the bill ordered to be engrossed for a third reading.

Mr. Hester offered the following resolution:

*Resolved*, The House concurring, that the General Assembly of the State of Indiana proceed to the election of eleven trustees to constitute a board for the Indiana University, to-day, March 6, at 3 o'clock, P. M.

Which was adopted.

Mr. Berry introduced

No. 114. A joint resolution in relation to declaring the bridge over the Ohio river at Wheeling, Virginia, a post route;

Which was read a first time and passed to a second reading.

#### ORDERS OF THE DAY.

##### *Senate Joint Resolutions and Bills on their third reading.*

No. 108. A joint resolution on the subject of suppressing small bank notes;

Was read a third time; and,

The question being, Shall the joint resolution pass?

It was decided in the affirmative—ayes 28, noes 11.

##### *Those who voted in the affirmative were,*

Messrs. Alexander, Berry, Cravens, Delevan, Dougherty, Eddy, Emerson, Goodman, Hanna, Hatfield, Henton, Hester, Hickman, Hicks, Hunt, Kinnard, Logan, Longshore, Mickle, Miller, Milliken, Niblack, Reid, Slack Sleeth, Spann, Winstandley and Witherow.

##### *Those who voted in the negative were,*

Messrs. Brugh, Defrees, Holloway, Kendall, Knowlton, McCarty, Odell, Saffer, Turman, Walker, and Washburn.

No. 64. A bill authorizing any company heretofore organized under the provisions of any general or special law of this State, for the purpose of constructing a plank, turnpike, gravel, McAdamized or coal road, to construct a railroad instead of such plank, turnpike, gravel, McAdamized or coal road, and prescribing the manner in which such change may be made;

Was read a third time; when,

Mr. Eddy moved to amend as follows:

Amend section 11 by adding thereto the following:

But said company shall not have power under the provisions of this act, or of any act to which it may have reference, to construct or take measures to construct any railroad under or by virtue of any law authorizing the formation of a company or companies for the building of plank, turnpike, gravel, McAdamized, or coal roads.

Which was unanimously adopted.

The question being, shall the bill pass?

It was decided in the affirmative; ayes 32, noes 3.

*Those who voted in the affirmative were,*

Messrs. Brugh, Cravens, Defrees, Delevan, Eddy, Emerson, Goodman, Hanna, Hatfield, Henton, Hester, Hickman, Hicks, Holloway, Hunt, Kendall, Logan, Longshore, McCarty, Mickel, Miller, Milliken, Niblack, Reid, Saffer, Slack, Spann, Turman, Walker, Washburn, Winstandley, and Witherow.

Messrs. Kinnard, Knowlton, and Odell voted in the negative.

#### HOUSE BILLS ON THEIR THIRD READING.

No. 182. A bill to raise a revenue for State purposes for the year 1852;

Was read a third time; and,

The question being, shall the bill pass?

It was decided in the affirmative. Ayes 35; noes 3.

*Those who voted in the affirmative were,*

Messrs. Alexander, Berry, Brugh, Cravens, Defrees, Delevan, Dougherty, Eddy, Emerson, Goodman, Hatfield, Henton, Hester, Hickman, Hicks, Hunt, Kinnard, Knowlton, Logan, Longshore, Mc-



11.  
Carty, Mickle, Miller, Milliken, Niblack, Odell, Reid, Saffer, Slack, Sleeth, Spann, Turman, Walker, Winstandley, and Witherow.

*Those who voted in the negative were,*

Messrs. Hanna, Holloway, and Washburn.

No. 144. A bill authorizing the proof deeds and mortgages in certain cases therein named, for the purpose of admitting the same to record, and legalizing all record of deeds thirty years old:

Was read a third time; and,

The question being, Shall the bill pass?

It failed for want of a constitutional majority—ayes 23, noes 16.

*Those who voted in the affirmative were,*

Messrs. Alexander, Brugh, Cravens, Delevan, Eddy, Emerson, Hatfield, Henton, Hester, Kendall, Kinnard, Knowlton, Longshore, McCarty, Mickle, Miller, Niblack, Saffer, Slack, Spann, Turman, Washburn, and Winstandley.

*Those who voted in the negative were,*

Messrs. Berry, Defrees, Dougherty, Goodman, Hanna, Hickman, Hicks, Holloway, Hunt, Logan, Milliken, Odell, Reid, Sleeth, Walker, and Witherow.

Mr. Emerson moved to reconsider the vote just taken.

Which was agreed to.

Mr. Reid moved to lay the bill on the table.

Which was decided in the negative.

The question being, shall the bill pass?

It failed for the want of a constitutional majority—ayes 20, noes 19.

*Those who voted in the affirmative were,*

Messrs. Brugh, Cravens, Delevan, Eddy, Emerson, Hatfield, Henton, Hester, Hickman, Kinnard, Longshore, Mickle, Miller, Niblack, Saffer, Slack, Spann, Turman, Washburn, and Winstandley.

*Those who voted in the negative were,*

Messrs. Alexander, Berry, Defrees, Dougherty, Goodman, Hanna, Hicks, Holloway, Hunt, Kendall, Knowlton, Logan, McCarty, Milliken, Odell, Reid, Sleeth, Walker, and Witherow.

No. 152. A bill authorizing the State Librarian to contract for covering the State House with tin, also for the re-painting of the outside woodwork and necessary plastering to the same;

Was read a third time.

The question being, shall the bill pass?

It was decided in the affirmative. Ayes 36; noes, 2.

*Those who voted in the affirmative were,*

Messrs. Alexander, Berry, Brugh, Cravens, Delevan, Dougherty, Eddy, Emerson, Goodman, Hatfield, Henton, Hester, Hickman, Hicks, Holloway, Hunt, Kendall, Kinnard, Knowlton, Logan, Longshore, McCarty, Mickle, Milliken, Niblack, Odell, Reid, Saffer, Slack, Sleeth, Spann, Turman, Walker, Washburn, Winstandley, and Witherow.

Messrs. Defrees and Miller voted in the negative.

Mr. Emerson moved to amend the title by striking out "tin" and inserting "patent water and fire proof roofing material;"

Which was agreed to.

No. 79. A bill authorizing the construction of plank, McAdamized and gravel roads;

Was on its third reading; when,

On motion by Mr. Turman,

It was recommitted to a select committee with the following instructions:

Refer to select committee of three with instructions to strike out the amendment to section 23, which provides that "such company, in adopting the provisions of this act, shall be subject to all its liabilities, and be deemed to have abandoned their former charter, so far as shall regard the future government of such company.

The President appointed Messrs. Turman, Winstandley and Walker said committee.

#### SENATE BILLS ON THEIR SECOND READING.

No. 111. A bill to provide for the sale of the north-west quarter of section 26, in township one, north of range five west in Dubois county, the same having been reserved as saline lands;

Was read a second time, and

On motion by Mr. Goodman,

Was referred to a select committee.

When the chair appointed Messrs. Goodman, Odell and Milliken said committee.

No. 112. A joint resolution for the purpose of opening a correspondence with the Executive of Ohio regarding the assessment and taxation of personal property;

Was read a second time, and ordered to be engrossed for a third reading.

No. 113. A joint resolution in relation to settlements with the State Printer.

Was read a second time and ordered to be engrossed for a third reading.

No. 110. A bill providing for the purchase of 38 bound volumes of the Western Sun and General Advertiser for the use of the State Library.

Was read a second time; when,

Mr. Emerson moved to strike out "five hundred" and insert "three hundred."

Which was agreed to.

When,

Mr. Berry moved to recommit the bill to the committee on the State Library.

Which motion prevailed.

#### HOUSE BILLS ON SECOND READING.

No. 86. A bill establishing some general provisions respecting Corporations.

Was read a second time, and

On motion by Mr. Cravens,

It was referred to the committee on Corporations.

No. 131. A bill granting to all incorporated companies of this State which possess, by virtue of their corporate powers, the right to build steamboats and other vessels, the further right to construct and use marine rail ways, and all other fixtures, apparatus and machinery that may be necessary or useful in the building, repairing or launching of steamboats or other vessels.

Was read a second time, and

On motion by Mr. Winstanley,  
Referred to the committee on Corporations.

No. 175. A bill to authorize the circuit court of Clinton county to sit two weeks if the business require it.

Was read a second time, and ordered to a third reading.

Message from the House of Representatives, by Mr. Sites, their Clerk:

**MR. PRESIDENT:**

I am directed by the House of Representatives to inform the Senate that the House has concurred in the second engrossed amendment of the Senate to House bill No. 62, "an act for the limitation of civil actions and for the limitation of liens of judgment upon real estate," and refused to concur in the 1st, 3d, 4th, 5th, 6th, 7th, 8th and 9th engrossed amendments of the Senate thereto.

On motion by Mr. Hester,  
The Senate insisted on their amendments.

House bill No. 81. A bill to authorize trustees and other officers to receive conveyances of lands, and donations for the use of schools, literary societies, meeting houses, churches, masonic, odd-fellows and sons of temperance lodges, and other voluntary and benevolent associations, and some general provisions respecting burying grounds.

Was read a first time and passed to a second reading.

Mr. Turman, from the select committee on House bill No. 79, submitted the following report:

**MR. PRESIDENT:**

The select committee to whom was referred House bill No. 79, with instructions to amend by striking out engrossed amendment of the Senate to Section 23, which provides that "such company, in adopting the provisions of this act, shall be subject to all its liabilities, and be deemed to have abandoned their former charter, as far as shall regard the future government of such company," have had that subject under consideration, complied with instructions, and now report the bill back to the Senate, with the recommendation that as amended it be passed.

The question being on concurring in the amendment of the committee,

It was decided in the negative. Ayes 17; noes 19.

The ayes and noes were demanded by Messrs. Berry and Miller.

*Those who voted in the affirmative were,*

Messrs. Alexander, Brugh, Cravens, Dougherty, Henton, Hester, Holloway, Kendall, Kinnard, Knowlton, McCarty, Mickle, Odell, Slack, Turman, Walker, and Winsteadley.

*Those who voted in the negative were,*

Messrs. Berry, Defrees, Delevan, Eddy, Emerson, Goodman, Hatfield, Hickman, Hicks, Hunt, Logan, Miller, Milliken, Reid, Saffer, Sleeth, Spann, Washburn, and Witherow.

Mr. Winsteadley moved to lay the bill on the table;  
Which motion did not prevail.

Mr. Winsteadley moved a call of the Senate;  
Which was ordered.

On motion by Mr. Winsteadley,  
The further call of the Senate was suspended.

Mr. Winsteadley moved to lay the bill on the table;  
Which was decided in the negative. Ayes 17; noes 18.

The ayes and noes were demanded by Messrs. Winsteadley and Slack.

*Those who voted in the affirmative were,*

Messrs. Alexander, Brugh, Cravens, Defrees, Delevan, Dougherty, Hester, Knowlton, McCarty, Mickle, Odell, Slack, Spann, Turman, Walker, Winsteadley, and Witherow.

*Those who voted in the negative were,*

Messrs. Berry, Eddy, Emerson, Goodman, Hatfield, Henton, Hickman, Hicks, Holloway, Hunt, Kinnard, Logan, Longshore, Milliken, Reid, Saffer, Sleeth, and Washburn.

The bill was then read a third time; when,

On motion by Mr. Eddy,  
The Senate adjourned.

2 o'clock, P. M.

The Senate met.

The consideration of the question pending at the adjournment, being on the passage of House bill No. 79,

Was resumed; when

Mr. Turman moved a call of the Senate;

Which was ordered.

On motion by Mr. Alexander,

The further call was suspended.

The question being "Shall the bill pass?"

It was decided in the affirmative. Ayes 32; noes 2.

*Those who voted in the affirmative were,*

Messrs. Alexander, Berry, Defrees, Delevan, Dougherty, Emerson, Goodman, Hatfield, Henton, Hester, Hickman, Hicks, Holloway, Hunt, Kendall, Kinnard, Knowlton, Logan, Longshore, McCarty, Mickle, Miller, Milliken, Niblack, Odell, Saffer, Sleeth, Spann, Turman, Walker, Washburn, and Witherow.

Messrs. Brugh and Winstandley voted in the negative.

Mr. Emerson moved to discharge the committee on County and Township business from the further consideration of House bill No. 71.

Which was agreed to.

Mr. Emerson moved to take up

House bill No. 71. A bill to provide for the election of State and county officers, and repealing all former acts inconsistent with the same;

Which being agreed to, the bill was read a second time, when

Mr. Berry moved to recommit the bill to a select committee with the following instructions:

To amend the bill that the elections for Representatives to Congress shall be held at the annual election in October, 1853.

Mr. Delevan moved to lay the instructions on the table.

Which was decided in the negative; ayes 19, noes 19.

The ayes and noes were demanded by Messrs. Berry and Delevan.

*Those who voted in the affirmative were,*

Messrs. Cravens, Defrees, Delevan, Dougherty, Emerson, Han-

na, Holloway, Kendall, Kinnard, Knowlton, Longshore, McCarty, Mickle, Niblack, Saffer, Spann, Turman, Winstandley, and Withersrow.

*Those who voted in the negative were,*

Messrs. Alexander, Berry, Brugh, Eddy, Goodman, Hatfield, Henton, Hester, Hickman, Hicks, Hunt, Logan, Miller, Milliken, Reid, Slack, Sleeth, Walker, and Washburn.

Mr. Berry then withdrew his instructions, and,

On motion by Mr. Winstandley,

The bill was referred to the committee on elections.

Mr. Sleeth, from a select committee, submitted the following report:

MR. PRESIDENT:

The select committee, to whom was referred a resolution of the Senate, directing it to inquire into the propriety of changing the time of electing members of Congress, have had that subject under consideration, and a majority thereof have directed me to report that in their opinion, after a full view and consideration of the whole subject as connected with the interests of the people, it would be highly inexpedient to change the year of choosing such officers. As one of the many reasons against such change, your committee will state that, to elect those officers at the general election in October next, would be choosing them some fourteen months before taking their seats, which would tend to destroy that immediate and necessary connection and knowledge between the people and their representatives in reference to the wants and wishes of the one, and the responsibilities and duties of the other. What might be the known wishes of the people during a congressional canvass at one time, might be the very reverse fourteen months thereafter.

The question being on concurring in the report;

It was decided in the negative—ayes 18, noes 21.

The ayes and noes were demanded by Messrs. Berry and Slack.

*Those who voted in the affirmative were,*

Messrs. Alexander, Berry, Brugh, Eddy, Goodman, Henton, Hester, Hickman, Hicks, Hunt, Logan, Miller, Milliken, Reid, Slack, Sleeth, Walker, and Washburn.

*Those who voted in the negative were,*

Messrs. Cravens, Defrees, Delevan, Dougherty, Emerson, Hanna, Hatfield, Holloway, Kendall, Kinnard, Knowlton, Longshore, McCarty, Mickle, Niblack, Odell, Saffer, Spann, Turman, Winstandley and Witherow.

On motion by Mr. Cravens,  
The Senate adjourned.

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MONDAY MORNING, }  
March 8, 1852. }

The Senate met.

The Journal of Saturday was read.

**REPORTS SUBMITTED.**

By Mr. Spann, from the committee on Military Affairs:

**MR. PRESIDENT:**

The committee on Military Affairs, to whom was referred a resolution of the Senate in relation to so much of the Governor's message as relates to the registering the names of those who served in the war with Mexico, have had the same under consideration, and have directed me to report that, inasmuch as a joint resolution has been passed on that subject, it is therefore unnecessary to further legislate on that subject, and ask to be discharged from the further consideration thereof.

Which was concurred in.

By Mr. Emerson, from the committee on Practice and Pleadings of Courts of Justice and Criminal Law of the State:

**MR. PRESIDENT:**

The committee on Practice and Pleadings and Criminal Law, to



whom was referred a petition of sundry citizens of Fountain county, praying for the passage of a law authorizing the formation of companies for the detection of horse thieves and other criminals, have considered the same, and inasmuch as a law upon that subject has already received the action of the Senate, they have instructed me to report said petition back to the Senate, and recommend that it be laid on the table.

Which was concurred in.

By Mr. Hicks, from the same committee:

MR. PRESIDENT:

The committee on Practice, Pleading and Criminal Law, to which was referred bill of the House No. 156—entitled “a bill providing for the punishment of offences by imprisonment in the county jail or by fine”—have duly considered said bill, made the following amendments thereto, and directed me to report the same back to the Senate, and upon the adoption of said amendments, recommend its passage.

Amend as follows:

1st. Before the words “every person,” and after the title of the bill, on first page, insert the following: “SECTION 1. *Be it enacted by the General Assembly of the State of Indiana, That.*”

2d. At the end of — section, on third page, add these words: “and shall ever after be ineligible to any office of trust or profit.”

3d. Ninety-second page, seventh line, strike out the words “on indictment.”

4th. Insert numbers of sections, commencing with number one. The amendments of the committee were concurred in.

Mr. Hicks moved to amend as follows:

Amend by inserting after the word “and,” tenth line, ninety-fourth page, the words “may be.” Also, from the eleventh line, same page, strike out the words “less than ten nor.”

Which was adopted.

Mr. Berry moved to amend as follows:

Insert in the fourth line, after the word “duel,” the words “or under the pretence of fighting a duel.”

Mr. Alexander moved to lay the amendment on the table.

Which motion prevailed.

Mr. Eddy moved to suspend the order of business.  
Which was agreed to, when,  
The following reports were submitted:

By Mr. Eddy from the committee on Corporation.

MR. PRESIDENT:

The committee on Corporations to whom was referred bill No. 89, entitled "a bill authorizing the Columbus Bridge company and other companies &c., have had the same under consideration and inasmuch as a House bill has already passed this body containing substantially the same provisions, they deem further legislation inexpedient, and have therefore directed me to report it back to the Senate with the recommendation that it be laid upon the table, and that the committee be discharged from the further consideration of the same.

Which was concurred in.

By Mr. Cravens from the committee on county and township business:

MR. PRESIDENT:

The committee on county and township business, to whom was referred Senate bill No. 105, a bill to enable the county commissioners of the several counties to borrow money for the purpose of erecting and completing Court Houses, Jails and other county buildings, have had the subject under consideration and have directed me to report the bill back with one amendment after the adoption of which they recommend its passage.

Amend by filling the blank in the first section with "twenty thousand."

Which amendment was concurred in,  
And the bill ordered to be engrossed for a third reading.

By Mr. Slack, from the same committee:

MR. PRESIDENT:

The committee on County and Township business, to which was referred House bill No. 80, have had the same under consideration, and requested me to report the same back with the following amendments:

Strike out all of the 11th section after the word "procure" in the 3rd line, and insert the words "the same" upon the adoption of these

amendments the committee would recommend the passage of the bill.

The amendments of the committee were concurred in, and the bill was ordered to a third reading.

By Mr. Emerson, from a select committee:

MR. PRESIDENT:

The select committee to which was referred the petition of sundry citizens of Union county, in favor of the passage of a homestead exemption law, have considered the same, and instructed me to report the same back and recommend that it be laid upon the table, a law similar to the one prayed for having already passed the Senate. Which was concurred in.

By Mr. Goodman, from a select committee:

MR. PRESIDENT:

The select committee to whom was referred Senate bill No. 111, a bill to provide for the sale of the northwest quarter of section twenty-six (26,) in township one (1) north, of range five (5) west, in Dubois county, the same having been reserved as saline lands, have had the same under consideration, and would beg leave to report it back, without amendment, and recommend its passage.

The accompanying bill was ordered to a third reading.

#### RESOLUTIONS OFFERED.

By Mr. Emerson:

*Resolved*, That the Principal Secretary of the Senate be directed to deliver to the committee on Revision on the part of the Senate all bills on the files of the Senate which may remain undisposed of at the time of adjournment, and that the chairmen of committees be required to deliver to said committee any bills which may remain in their hands at said adjournment.

Which was adopted.

By Mr. Hickman:

*Resolved*, That the committee of Revision be, and they are hereby authorized to have printed during the adjournment of the Legislature, for the use and examination of the members on their return,

250 copies of each new bill drafted and adopted by them, as well as each article of the Revised Statutes revised and corrected by them, which they deem proper and necessary to be printed; and that 150 copies of each be delivered to the House, and 100 copies to the Senate. The same shall be printed in solid form.

Which,

On motion by Mr. Eddy,

Was laid on the table.

By Mr. Goodman:

*Resolved*, That 500 copies of the address on Education by "one of the people," now printing by order of the Senate, be tendered to Professor Mills; also, that the same number of the address of Rev. S. K. Hoshour be placed at his disposal.

Which was adopted.

By Mr. Goodman:

*Resolved*, That the State Printer be and is hereby authorized to print 200 additional copies of the titles of all acts and joint resolutions passed by the General Assembly of the present session up to this day, for the use of the Senate.

Which,

On motion by Mr. Milliken,

Was laid on the table.

Mr. Niblack moved to reconsider the vote on the adoption of the resolution directing the principal Secretary to deliver the bills of the Senate to the committee appointed to revise the laws during the temporary adjournment of the General Assembly.

Which motion prevailed.

The question being on the adoption of the resolution,

Mr. Hanna moved to amend the resolution as follows:

Amend by making it the duty of the committee to return to the Senate all bills which are not finally acted upon before we adjourn, by said committee; and that the joint committee on revision have access to said bills during the recess.

Mr. Hicks moved to amend the amendment by inserting after the word "chairman," the words "and other members of the committee having charge of bills."

Which was adopted.

Mr. Turman moved to lay the resolution and pending amendments on the table.

Which motion did not prevail.

The resolution as amended was then adopted.

## ORDERS OF THE DAY

*Senate Bills on their Third Reading.*

No. 75. A bill to encourage education by the incorporation of companies empowered to institute and maintain high schools, academies, colleges, universities, and missionary boards;

Was read a third time, when  
On motion by Mr. Hicks,  
It was laid on the table.

No. 112. A joint resolution for the purpose of opening a correspondence with the Executive of Ohio, regarding the assessment and taxation of personal property;

Was read a third time and passed; ayes 31, noes 4.

*Those who voted in the affirmative were,*

Messrs. Alexander, Berry, Brugh, Cravens, Defrees, Delevan, Eddy, Goodman, Henton, Hester, Hickman, Hicks, Hunt, Kendall, Kinnard, Knowlton, Logan, McCarty, Mickel, Miller, Milliken, Niblack, Odell, Reid, Saffer, Slack, Sleeth, Spann, Turman, Walker, Washburn, and Witherow.

*Those who voted in the negative were,*

Messrs. Emerson, Hanna, Holloway, and Winstandley.

No. 113. A joint resolution in relation to settlements with the State Printer;

Was read a third time, when,

Mr. Berry moved to refer it to the committee on Revision.

Which was agreed to.

House bill No. 175. A bill to authorize the circuit court of Clinton county to sit two weeks, if the business shall require it;

Was read a third time, and

The question being, Shall the bill pass?

It was decided in the affirmative. Ayes 35; noes, none.

*Those who voted in the affirmative were,*

Messrs. Alexander, Berry, Brugh, Cravens, Defrees, Delevan, Eddy, Emerson, Goodman, Hanna, Henton, Hester, Hickman, Holloway,

Hunt, Kendall, Kinnard, Knowlton, Logan, McCarty, Mickle, Miller, Milliken, Niblack, Odell, Reid, Saffer, Slack, Sleeth, Spann, Turman, Walker, Washburn, Winstandley, and Witherow.

SENATE BILLS ON THEIR SECOND READING.

No. 114. A joint resolution relative to declaring the bridge over the Ohio river, at Wheeling, Virginia, a post route ;

Was read a second time, and ordered to be engrossed for a third reading.

Message from the House of Representatives, by Mr. Sites, their Clerk.

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof:

No. 159. Entitled "An act to so modify an act entitled 'an act to incorporate the city of Indianapolis, as to make all officers of said city elective by the people.'"

In which the concurrence of the Senate is respectfully requested.

The accompanying bill was read a first time ; when,

Mr. McCarty moved to suspend the rules and read the bill a second time now ;

It was decided in the negative. Ayes 23 ; noes 11.

*Those who voted in the affirmative were,*

Messrs. Defrees, Delevan, Goodman, Hatfield, Hicks, Holloway, Kendall, Knowlton, Logan, McCarty, Mickle, Miller, Milliken, Niblack, Odell, Reid, Saffer, Slack, Sleeth, Spann, Washburn, Winstandley, and Witherow.

*Those who voted in the negative were,*

Messrs. Berry, Brugh, Cravens, Eddy, Emerson, Henton, Hickman, Hunt, Kinnard, Longshore, and Walker.

Mr. Niblack moved a call of the Senate.

Which was ordered.

On motion by Mr. Emerson,

The further call was suspended.

A message from the Governor by Mr. King, his private Secretary.

**MR. PRESIDENT:**

I am directed by the Governor to inform the Senate that he has approved and signed the following bill, to-wit:

No. 101. An act to organize the board of trustees of Indiana University, defining their powers and duties, and providing for the election of president and other officers, and pointing out their powers and duties.

Which bills originated in the Senate.

Mr. Reid, from a select committee, submitted the following report:

**MR. PRESIDENT:**

In obedience to the resolution of the Senate, as chairman of the select committee to whom was referred Senate bill No. 53, I now return the same back to the Senate.

Mr. Reid, from the select committee on Free Banks, submitted the following report:

**MR. PRESIDENT:**

In obedience to the resolution of the Senate, as chairman of the select committee on Free Banking, I now return to the Senate House bill No. 139, being an act to establish free banking.

Mr. Reid, from a select committee, submitted the following report:

**MR. PRESIDENT:**

The select committee to whom was referred House bill No. 70, being a bill for the organization of a court of common pleas, have had the same under consideration, and a majority thereof have instructed me to report the same back to the Senate and to recommend its passage.

The accompanying bill was read a second time; when, Mr. Defrees moved to lay the bill on the table.

Which motion was decided in the negative.

Mr. Hanna moved the following amendment:

Amend section 2 by striking out the words "for the unexpired term," and insert the words "until the next general election."

Which was decided in the affirmative.

Mr. Hanna moved to amend section 3 by changing the position of the words "Clay & Sullivan," wherever they occur in said section.

Which motion prevailed.

Mr. Hanna moved to amend section 13 as follows:

Strike out from the word "law," in the 6th line of said section, to and including the word "error," in the 15th line of said section.

Which motion did not prevail.

Mr. Hanna moved to amend by striking out the word "fifty," in the last line of the 11th section, and inserting the word "twenty."

Which motion did not prevail.

Mr. Hanna moved to amend section 16 by striking out the word "frivolous."

Which motion did not prevail.

Mr. Hanna moved to amend section 27 by adding the following proviso thereto:

*Provided*, That all matters touching decedent's estates, wills, administrators, guardians, and heirs, and all business in relation thereto, transacted in said court, shall be kept separate in proper books prepared for that purpose heretofore; and *provided further*, that no complete record shall be made in any estate where all the heirs are of age, (unless lands shall have been sold to settle the debts thereof,) and shall upon the settlement thereof give their written consent that no such record need be made.

Which motion prevailed.

Mr. Hanna moved to add the following to the end of section 37:

*Provided*, The said common pleas judge is disinterested in all matters in relation to the suit last above provided for.

Which motion was decided in the affirmative.

Mr. Hanna moved to amend section 41 as follows:

By inserting the words "and courts," after the word "counties," in said section.

Which motion prevailed.

Mr. Defrees moved the following amendment:



The counties of Elkhart and Lagrange shall form a district.  
Which was adopted.

Mr. Slack moved to amend as follows:

Attach Adams county to Allen, and Wells to Huntington.  
Which motion was decided in the negative.

Mr. Hester moved to amend as follows:

Amend section 3 so as to form a district of the counties of Morgan and Johnson, and a district of Monroe and Brown counties.  
Which was adopted.

Mr. Emerson moved the following amendment:

Strike out the word "six," in the 30th section, and insert the word "four."  
Which was adopted.

Mr. Washburn moved the following amendment:

Add the county of Noble to the counties of Kosciusko and Whitley.  
Which was adopted.

Mr. Slack moved that the bill be laid on the table, and that 250 copies be printed, and that one copy be sent to each clerk's office in the State.

Which was decided in the negative.

Mr. Slack moved it be referred to the committee on Revision.

Which was not agreed to.

Mr. Goodman moved to amend as follows:

Amend so that the counties of Warrick and Pike shall compose one district, and that Spencer, Perry, and Dubois a district.  
Which was adopted.

The question being, "Shall the amendments be engrossed, and the bill ordered to a third reading?"

It was decided in the affirmative. Ayes 23; noes 12.

The ayes and noes were demanded by Messrs. Slack and Winstandley.

*Those who voted in the affirmative were,*

Messrs. Brugh, Delevan, Eddy, Emerson, Goodman, Hanna, Hen-

ton, Hester, Hickman, Hicks, Hunt, Kendall, Kinnard, Knowlton, McCarty, Mickle, Reid, Saffer, Sleeth, Spann, Walker, Washburn, and Winstandley.

*Those who voted in the negative were,*

Messrs. Berry, Cravens, Defrees, Hatfield, Holloway, Logan, Miller, Milliken, Niblack, Odell, Slack, and Witherow.

Mr. Slack submitted the following report:

**MR. PRESIDENT:**

I herewith return bill of the Senate No. 91, entitled "A bill authorizing and prescribing the mode of disposing of the stock belonging to the State in the State Bank of Indiana."

On motion by Mr. Berry,

House bill No. 156. A bill to provide for the punishment of offences by imprisonment in the county jail, or by fine, or both,—to point out the mode of prosecution, and the requisites of the charge, and to provide for the qualified repeal of all laws inconsistent therewith;

Was taken up.

Mr. Berry moved to amend as follows:

Add after the word "soil," in line, the words "exceeding in value the sum of twenty cents."

Which was agreed to.

Mr. Winstandley moved the following amendment:

Add in section 13, after the word "seminaries," "or belonging to the United States."

Add to the end of the section "and shall on default of payment of such fines, be imprisoned any term of time not exceeding six months."

Which was adopted.

The amendments were ordered to be engrossed, and the bill ordered to a third reading.

Message from the House of Representatives, by Mr. Sites, their Clerk:

**MR. PRESIDENT:**

I am directed by the House of Representatives to inform the Senate that the Speaker has signed Senate bill No. 101.

Which I am directed to bring to the Senate for the signature of the President thereof.

Message from the House of Representatives, by Mr. Sites, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has concurred in the resolution of the Senate in regard to the election of Law Commissioners, with the following amendment:

"To proceed to said election to-day, March 8th, at 2 o'clock, P. M."

In which the concurrence of the Senate is respectfully requested.  
Which was concurred in.

Also, the following:

MR. PRESIDENT:

I am directed to inform the Senate that the House has adopted the following resolution:

*Resolved*, That the Clerk inform the Senate that the House has elected Hon. Wm. H. English Speaker of the House, in place of Hon. John W. Davis, resigned.

Also, the following message:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has concurred in the resolution of the Senate providing for the election of Trustees of the Indiana University, with the following amendment:

They will proceed to said election this day, March 8, at  $\frac{1}{2}$  past 2 o'clock, P. M.

In which the concurrence of the Senate is respectfully requested.  
Which was concurred in.

Also, the following message:

MR. PRESIDENT.

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof:

No. 190, entitled "an act providing for the erection of buildings appertaining to the State Prison;

In which the concurrence of the Senate is respectfully requested.

The accompanying bill was read a first time, when

Mr. Winstandley moved to suspend the rules and read the bill a second time now;

Pending which,

On motion by Mr. Slack,

The Senate adjourned.

2 o'clock, P. M.

The Senate met.

On motion by Mr. Logan,

A call of the Senate was ordered.

Mr. Slack moved to suspend the call;

Which was not agreed to.

The absentees on calling the roll were—

Messrs. Alexander, Defrees, Dougherty, Goodman, Kendall, Longshore, McCarty, Milliken, Reid and Saffer.

Mr. Slack moved to adjourn;

Which was not agreed to.

Mr. Slack then moved to suspend the further call;

Which motion did not prevail.

When,

On motion by Mr. Slack,

The call was suspended.

Mr. Slack offered the following resolution:

*Resolved*, That the joint committee on Revision shall consist, the House concurring therein, of five members only; two of the Senate and three of the House.

Which,

On motion by Mr. Winstandley,

Was laid on the table.

Mr. Hicks, from the committee on Education, submitted the following report :

**MR. PRESIDENT :**

The committee on Education, to which was referred bill of the House No. 48—entitled “an act to provide for the sale of county seminaries and the property belonging thereto, and to transfer the proceeds thereof to the common school fund”—not having time to consider said bill, have directed me to report the same back to the Senate.

On motion by Mr. Hicks,

The accompanying bill was laid on the table.

The consideration of the question pending at adjournment this morning being, will the Senate suspend the rules and read House bill No. 190 a second time now? was resumed,

And the question decided in the affirmative—ayes 35, noes 0.

*Those who voted in the affirmative were,*

Messrs. Alexander, Berry, Brugh, Cravens, Defrees, Delevan, Eddy, Emerson, Goodman, Hanna, Hatfield, Henton, Hester, Hickman, Hicks, Holloway, Hunt, Kendall, Knowlton, Logan, McCarty, Mickle, Miller, Milliken, Niblack, Odell, Saffer, Slack, Sleeth, Spann, Turman, Walker, Washburn, Winstandley, and Witherow.

The bill was read a second time, and

On motion by Mr. Winstandley,

Referred to a select committee.

The President appointed Messrs. Winstandley, Cravens and Saffer said committee.

Message from the House of Representatives, by Mr. Sites, their Clerk:

**MR. PRESIDENT :**

I am directed by the House of Representatives to inform the Senate that the House has passed the following resolution :

*Resolved*, That the Senate be invited to attend in the Hall of the House, instantler, for the purpose of electing a commissioner to revise and simplify the rules of practice in courts of justice, and that seats be provided for them on the right of the Speaker's chair.

Which was reciprocated.

And the Senate proceeded to the Hall of the House of Representatives, and took seats prepared for their use on the right of the Speaker's chair.

When both Houses in joint convention proceeded by a *viva voce* vote to the election of a commissioner to revise and simplify the rules of practice in courts of Justice.

*Those who voted for Lucien Barbour on the part of the Senate were,*

Messrs. Alexander, Brugh, Cravens, Defrees, Delevan, Eddy, Emerson, Goodman, Hanna, Hatfield, Henton, Hester, Hickman, Hicks, Holloway, Hunt, Kendall, Kinnard, Knowlton, Logan, McCarty, Mickle, Miller, Milliken, Niblack, Odell, Reid, Saffer, Slack, Sleeth, Spann, Turman, Walker, Washburn and Winstandley.

*Those who voted for Lucien Barbour on the part of the House of Representatives were,*

Messrs. Barker, Beane, Beeson, Buskirk, Carpenter, Chowning, Cockrum, Crawford, Davis of Sullivan, Dice, Dobson, Donham, Douthit, Eccles, Foster, Gibson, Gookins, Hanna, Hart, Helmer, Henry, Huey, Kent, Laverty, Leviston, Lewis, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Manson, Marrs, Mayfield, McAllister, McConnell, McDonald, McDowell, Miller, Morris, Mudgett, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stevens, Stover, Struble, Sweet, Taggart, Torbet, Walker, Wells, Williams, Wilson, Withers and Mr. Speaker—98.

*Those who voted blank on the part of the House of Representatives were,*

Messrs. Davis of Franklin, Doughty, Geddes, Hunt, King, Lawrence and Watson.

Lucien Barbour having received the votes of a majority of all the members elected was declared duly elected commissioner to revise and simplify the rules of practice in the courts of Justice.

Message from the House of Representatives, by Mr. Sites, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following resolution:

*Resolved*, That the Senate be invited to attend in the hall of the House, instanter, for the purpose of electing eleven trustees for the State University, and that seats be provided for them on the right of the Speaker's chair.

Which was reciprocated ; when,

In joint convention, both Houses proceeded to the election of trustees to the Indiana State University, of which the following is the result:

*Those who voted for Nathaniel C. Browning on the part of the Senate, were,*

Messrs. Berry, Brugh, Cravens, Defrees, Delevan, Eddy, Emerson, Hanna, Henton, Hester, Hickman, Hicks, Hunt, Kendall, Knowlton, Logan, Longshore, McCarty, Mickle, Miller, Niblack, Reid, Saffer, Slack, Sleeth, Spann, Turman, Walker, Washburn, Winstandley and Witherow.

*Those who voted for N. C. Browning on the part of the House, were,*

Messrs. Barker, Beane, Beeson, Bulla, Buskirk, Carpenter, Chowning, Cockrum, Crawford, Cromwell, Dice, Donham, Doughty, Douthit, Eccles, Foster, Geddes, Gibson, Gookins, Graham, Gunn, Hanna, Helmer, Huey, Huffstetter, Humphreys, Hunt, Kent, King, Laverty, Lawrence, Leviston, Lewis, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Manson, Marrs, Mayfield, McAllister, McConnell, McDowell, Miller, Morris, Mudget, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Scudder, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stover, Struble, Sumner, Sweet, Taggart, Torbet, Walker, Watson, Wells, Williams, Wilson, Withers and Mr. Speaker.

*Those who voted for Johnson McCullough on the part of the Senate were,*

Messrs. Berry, Brugh, Cravens, Defrees, Delevan, Eddy, Emerson, Hanna, Hatfield, Henton, Hester, Hicks, Hunt, Kendall, Logan, Longshore, McCarty, Mickle, Miller, Milliken, Reid, Saffer, Slack, Sleeth, Spann, Turman, Walker, Washburn, and Witherow.

*Those who voted for J. McCullough on the part of the House of Representatives were,*

Messrs. Barker, Beane, Beeson, Bulla, Buskirk, Carpenter, Chowning, Crawford, Cromwell, Dice, Dobson, Donham, Doughty, Douthit,

Eccles, Foster, Geddes, Gibson, Gookins, Graham, Gunn, Hanna, Helmer, Huey, Huffstetter, Humphreys, Hunt, Kent, King, Lavery, Lawrence, Leviston, Lewis, Lindsey of Fayette, Linsday of Howard, Litchfield, Major, Manson, Marrs, Mayfield, McAllister, McConnell, McDowell, Miller, Morris, Mudget, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Stanfield, Staton, Stevens, Struble, Sumner, Sweet, Taggart, Torbet, Walker, Watson, Wells, Williams, Wilson, Withers and Mr. Speaker.

*Those who voted for Joseph G. McPheeters on the part of the Senate were,*

Messrs. Berry, Brugh, Cravens, Defrees, Delevan, Eddy, Emerson, Hanna, Hatfield, Henton, Hester, Hicks, Hunt, Kendall, Knowlton, Logan, Longshore, McCarty, Mickel, Miller, Milliken, Niblack, Reid, Saffer, Sleeth, Spann, Turman, Walker, Washburn, and Winstandley.

*Those who voted for Jos. G. McPheeters on the part of the House of Representatives were,*

Messrs. Beeson, Buskirk, Carpenter, Crawford, Dobson, Donham, Eccles, Gibson, Graham, Gunn, Helmer, Huffstetter, Humphreys, Hunt, Kent, King, Lavery, Leviston, Lewis, Linsday of Howard, Litchfield, Manson, Mayfield, McAllister, McConnell, McDowell, Miller, Morris, Mudget, Nelson, Porter, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Spencer, Stanfield, Staton, Stevens, Stover, Struble, Sumner, Sweet, Taggart, Torbet, Walker, Watson, Wells, Williams, Wilson, Withers and Mr. Speaker.

*Those who voted for John I. Morrison, on the part of the Senate, were,*

Messrs. Berry, Brugh, Cravens, Defrees, Delevan, Eddy, Emerson, Henton, Hester, Hickman, Hunt, Kendall, Knowlton, Logan, Longshore, Mickel, Miller, Milliken, Niblack, Odell, Saffer, Slack, Sleeth, Spann, Turman, Walker, Washburn, and Winstandley.

*Those who voted for John I. Morrison, on the part of the House of Representatives, were,*

Messrs. Barker, Beeson, Bulla, Buskirk, Carpenter, Davis of Sullivan, Dice, Dobson, Donham, Doughty, Douthit, Eccles, Foster, Geddes, Gookins, Graham, Gunn, Hanna, Helmer, Huey, Huffstetter, Humphreys, Hunt, Kent, Lavery, Lawrence, Lewis, Lindsey of Fayette, Linsday of Howard, Litchfield, Major, Manson, Marrs,



Mayfield, McAllister, McConnell, McDowell, Miller, Morris, Mudgett, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Spencer, Stanfield, Staton, Stevens, Stover, Struble, Sumner, Sweet, Taggart, Torbet, Walker, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker.

*Those who voted for Michael Malott on part of the Senate were,*

Messrs. Brugh, Cravens, Defrees, Eddy, Emerson, Henton, Hester, Hickman, Hicks, Hunt, Logan, Longshore, McCarty, Mickle, Miller, Milliken, Odell, Slack, Sleeth, Washburn, Winstandley, and Withers.

*Those who voted for Michael Malott on the part of the House of Representatives were,*

Messrs. Barker, Beeson, Bulla, Buskirk, Carpenter, Cockrum, Dice, Donham, Foster, Geddes, Gookins, Graham, Gunn, Helmer, Huey, Huffstetter, Humphreys, Hunt, Kent, Laverty, Lawrence, Leviston, Lewis, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Manson, Marrs, Mayfield, McConnell, McDowell, Miller, Morris, Mudgett, Nelson, Porter, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Spencer, Stanfield, Staton, Stevens, Stover, Struble, Sumner, Sweet, Taggart, Torbet, Walker, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker.

*Those who voted for Thomas M. Adams on part of the Senate were,*

Messrs. Berry, Brugh, Cravens, Defrees, Delevan, Eddy, Emerson, Hanna, Hatfield, Henton, Hester, Hickman, Hicks, Hunt, Logan, Longshore, McCarty, Mickle, Miller, Milliken, Odell, Saffer, Slack, Sleeth, Spann, Turman, Walker, and Washburn.

*Those who voted for Thomas M. Adams on the part of the House of Representatives were,*

Messrs. Barker, Buskirk, Crawford, Dice, Donham, Doughty, Douthit, Eccles, Gibson, Graham, Helmer, Huey, Huffstetter, Humphreys, Hunt, Kent, Laverty, Leviston, Lewis, Lindsey of Fayette, Lindsay of Howard, Litchfield, Manson, Mayfield, McConnell, McDowell, Miller, Morris, Mudgett, Nelson, Porter, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stevens, Stover, Struble, Sumner, Sweet, Taggart, Torbet, Walker, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker.

*Those who voted for Patrick J. R. Murphey on part of the Senate were,*

Messrs. Berry, Brugh, Cravens, Defrees, Delevan, Eddy, Emerson, Hatfield, Henton, Hester, Hickman, Hicks, Hunt, Knowlton, Logan, Longshore, Mickle, Miller, Milliken, Niblack, Odell, Saffer, Slack, Sleeth, Spann, Turman, Walker, Washburn, and Winstandley.

*Those who voted for Patrick J. R. Murphey on the part of the House of Representatives were,*

Messrs. Barker, Beeson, Buskirk, Crawford, Dice, Dobson, Dougherty, Foster, Geddes, Graham, Hanna, Hart, Helmer, Huey, Huffstetter, Humphreys, Hunt, Kent, Laverty, Lewis, Lindsey of Howard, Litchfield, Manson, Mayfield, McAllister, McDowell, Miller, Morris, Mudget, Nelson, Owen, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stevens, Stover, Struble, Sumner, Sweet, Taggart, Torbet, Walker, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker.

*Those who voted for Wm. McKee Dunn, on part of the Senate, were,*

Messrs. Brugh, Cravens, Defrees, Delevan, Emerson, Henton, Hester, Hicks, Hunt, Kendall, Knowlton, Logan, Longshore, Miller, Millikin, McCarty, Niblack, Odell, Reid, Saffer, Sleeth, Turman, Walker, and Washburn.

*Those who voted for Wm. M. Dunn, on the part of the House of Representatives, were,*

Messrs. Beeson, Buskirk, Carpenter, Crawford, Dice, Douthit, Foster, Graham, Hanna, Hicks, Huey, Huffstetter, Humphreys, Hunt, Kent, King, Laverty, Lewis, Lindsay of Howard, Litchfield, Manson, Mayfield, McAllister, McConnell, McDowell, Miller, Morris, Mudget, Nelson, Owen, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Spencer, Stanfield, Staton, Stevens, Stover, Struble, Sumner, Sweet, Taggart, Torbet, Walker, Watson, Wells, Williams, Wilson, Withers and Mr. Speaker.

*Those who voted for John Benoit, on the part of the Senate, were,*

Messrs. Brugh, Delevan, Eddy, Hatfield, Hester, Hickman, Hicks, Logan, Longshore, McCarty, Mickle, Niblack, Odell, Slack, Sleeth, Turman, Walker, Washburn, and Witherow.

*Those who voted for John Benoit on the part of the House of Representatives, were,*

Messrs. Beeson, Bulla, Buskirk, Carpenter, Crawford, Cromwell, Dice, Dobson, Donham, Douthit, Eccles, Foster, Geddes, Gibson, Gookins, Graham, Hanna, Hart, Helmer, Hicks, Huey, Huffstetter, Humphreys, Hunt, Kent, Lavery, Lawrence, Lewis, Lindsay of Howard, Litchfield, Major, Manson, Mayfield, McAllister, McConnell, McDowell, Miller, Morris, Mudget, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stevens, Stover, Struble, Sumner, Sweet, Taggart, Torbet, Walker, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker.

*Those who voted for Jacob Helwig, on the part of the Senate, were,*

Messrs. Longshore, Mickle, Niblack, Saffer, Spann, Winstandley, and Witherow.

*Those who voted for Jacob Helwig, on the part of the House of Representatives, were,*

Messrs. Barker, Beane, Beeson, Bulla, Carpenter, Cockrum, Davis of Franklin, Dice, Dobson, Doughty, Douthit, Eccles, Geddes, Gibson, Gookins, Graham, Gunn, Hart, Helmer, Huey, Kent, Lawrence, Leviston, Lewis, Lindsey of Fayette, Litchfield, Major, Manson, Marrs, Mayfield, McAllister, McDonald, McDowell, Miller, Morris, Mudget, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stevens, Stover, Struble, Sumner, Sweet, Taggart, Torbet, Walker, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker.

*Those who voted for George Evans, on the part of the Senate, were,*

Messrs. Berry, Cravens, Eddy, Emerson, Henton, Hickman, Hicks, Hunt, Knowlton, Longshore, Miller, Millikin, Niblack, Reid, Slack, Sleeth, Spann, Walker, and Washburn.

*Those who voted for George Evans on the part of the House of Representatives were,*

Messrs. Beane, Crawford, Cromwell, Dice, Donham, Douthit, Eccles, Foster, Gibson, Graham, Hanna, Helmer, Humphreys, Hunt, Kent, King, Leviston, Lewis, Lindsey of Fayette, Lindsay of Howard, Litchfield, Manson, Mayfield, McAllister, McConnell, Miller, Morris, Mudget, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stan-

field, Staton, Stevens, Stover, Struble, Sumner, Sweet, Taggart, Torbet, Walker, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker.

*Those who voted for James D. Maxwell on part of the Senate were,*

Messrs. Hanna, Hatfield, Hickman, Knowlton, Milliken, Niblack, Slack, Winstandley, and Witherow.

*Those who voted for James D. Maxwell on the part of the House of Representatives were,*

Messrs. Barker, Beane, Bulla, Crawford, Cromwell, Davis of Franklin, Davis of Sullivan, Dobson, Doughty, Foster, Geddes, Gookins, Gunn, Hanna, Lindsey of Fayette, Marrs, McAllister, McDowell, Owen, and Smith of Marion.

*Those who voted for Joseph S. Jencks on part of the Senate were,*

Messrs. Berry, Cravens, Emerson, Henton, Winstandley, and Witherow.

*Those who voted for Joseph S. Jencks, on the part of the House of Representatives were,*

Messrs. Beane, Bulla, Cockrum, Davis of Franklin, Davis of Sullivan, Dobson, Doughty, Geddes, Gookins, Lawrence, Major, Marrs, and Owen.

*Those who voted for William Stewart on part of the Senate were,*

Messrs. Brugh, Eddy, Niblack, Spann, Turman, Walker, Winstandley and Witherow.

*Those who voted for William Stewart on the part of the House of Representatives were,*

Messrs. Beane, Buskirk, Crawford, Cromwell, Davis of Sullivan, Douthit, Eccles, Foster, Gibson, Gookins, Lawrence, Major, Marrs, and Smith of Marion.

*Those who voted for A. B. Cole on part of the Senate were,*

Messrs. Hickman, Saffer, and Slack.

*Those who voted for A. B. Cole on the part of the House of Representatives were,*

Messrs. Barker, Beane, Beeson, Carpenter, Cockrum, Crawford, Cromwell, Davis, Dice, Dobson, Donham, Doughty, Douthit, Gibson, Hanna, Huey, Leviston, Lindsey of Fayette, McAllister, Owen, Shanklin, Smith of Marion, and Stover.

*Those who voted for James E. Blythe on part of the Senate were,*

Messrs. Defrees, Kendall, and Witherow.

*Those who voted for J. E. Blythe, on the part of the House of Representatives, were,*

Messrs. Bulla, Carpenter, Cockrum, Cromwell, Dobson, Geddes, Gibson, Gookins, Gunn, Lawrence, Major, Marrs, McAllister, and Owen.

Mr. Reid voted for John R. Bowes.

*Those who voted for J. R. Bowes on the part of the House were,*

Messrs. Davis of Sullivan and Donham.

*Those who voted for William T. S. Cornett, on part of the Senate, were,*

Messrs. Defrees, Delevan, Hicks, Hunt, Kendall, Knowlton, McCarty, Milliken, Odell, Saffer, Winstandley and Witherow.

*Those who voted for Wm. T. S. Cornett, on the part of the House of Representatives, were,*

Messrs. Barker, Bulla, Carpenter, Cockrum, Davis of Franklin, Davis of Sullivan, Doughty, Geddes, Gibson, Gookins, Gunn, Hart, Helmer, Hicks, Huffstetter, King, Lawrence, Major, Marrs, Owen, and Stevens.

*Those who voted for George Campbell, on part of the Senate, were,*

Messrs. Reid and Logan.

*Those who voted for George Campbell, on the part of the House of Representatives, were,*

Messrs. Beeson, Douthit, Foster, Leviston, and Lindsey of Fayette.

*Those who voted for Charles W. Cathcart on part of the Senate, were,*

Messrs. Berry, Brugh, Cravens, Defrees, Delevan, Eddy, Emerson, Henton, Hester, Hickman, Hicks, Hunt, Knowlton, McCarty, Mickle, Miller, Odell, Saffer, Slack, Sleeth, Spann, Turman, Walker, Washburn, and Winstandley.

*Those who voted for C. W. Cathcart on the part of the House of Representatives, were,*

Messrs. Beane, Buskirk, Huey, Huffstetter, Humphreys, Hunt, Lavery, and Lindsay of Howard.

Mr. Hatfield voted for Littleton Powell.

*Those who voted for Mr. Powell on the part of the House of Representatives were,*

Messrs. Beane, Cockrum, Cromwell, Davis of Franklin, Dobson, Doughty, Eccles, Hanna, Hart, Leviston, Lindsey of Fayette, Major, Marrs, Smith of Marion, and Smith of Spencer.

*Those who voted for Godlove S. Orth on the part of the Senate were,*

Messrs. Defrees and Odell.

Mr. Cockrum voted for Schuyler Colfax.

*Those who voted for Godlove S. Orth on the part of the House of Representatives were,*

Messrs. Cockrum, Davis of Franklin, and Gunn.

Messrs. Donham and McDonald voted for Mr. Wells.

*Those who voted for Wm. B. Smith on the part of the Senate were,*

Messrs. Delevan, Hester, Knowlton, McCarty, Odell and Turman.

Messrs. Hickman and Spann voted for Isaac Boardman.

Mr. Berry voted for W. W. Hibben.

Mr. Berry voted for Elizur Deming.

Mr. McDonald voted for Messrs. Ball, Chamberlain, Cain, Bright, Willard, Fitch, Borden, Pettit, Mudget and Carman.

Nathaniel C. Browning received.....	101	votes.
Johnson McCullough	92	"
Joseph G. McPheeters	83	"
John I. Morrison	93	"
Michael Mallott	81	"
William B. Smith	6	"
Thomas M. Adams	82	"
Patrick J. R. Murphey	83	"
William M. Dunn	76	"
Jacob Helwig	69	"
Godlove S. Orth	5	"
Elizur Deming	1	"
George Evans	73	"
William Stewart	22	"
Charles W. Cathcart	33	"
A. B. Cole	26	"
James E. Blythe	16	"
W. W. Hibben	1	"
Isaac Boardman	2	"
— Powell	16	"
John R. Bowes	3	"
John Benoit	84	"
W. T. S. Cornett	33	"
James D. Maxwell	29	"
Joseph S. Jencks	19	"
George Campbell	7	"
Schuyler Colfax	1	"
E. Deming	1	"

Messrs. Nathaniel C. Browning, Johnson McCullough, Joseph G. McPheeters, John I. Morrison, Michael Mallott, Thomas M. Adams, Patrick J. R. Murphey, W. M. Dunn, Jacob Helwig, George Evans and John Benoit having received a majority of all the votes cast, were, by the President of the Senate, acting as President of the Convention, declared duly elected Trustees of the Indiana State University, to serve as such during good behavior.

The Senate returned to their chamber; when,

On motion by Mr. Knowlton,

The Senate adjourned.

TUESDAY MORNING, }  
 March 9, 1852. }

The Senate met.

On motion by Mr. Slack,

The reading of that portion of the Journal which relates to the election of Commissioners of Law Reform and Trustees of the Indiana University, was dispensed with.

#### REPORTS SUBMITTED.

By Mr. Milliken, from the committee on County and Township Business:

MR. PRESIDENT:

The committee on County and Township Business have directed me to report the accompanying bill—for the uniform mode of doing township business—back to the Senate, and recommend that it be laid on the table, to be taken up when the Senate is full.

By Mr. Winstandley, from a select committee:

MR. PRESIDENT:

The select committee, to whom was referred bill of the House No. 190—entitled “an act providing for the erection of buildings appertaining to the State Prison”—have had the bill under consideration, and directed me to report the bill back and recommend its passage.

The accompanying bill was read a second time, when Mr. Slack moved to amend the bill as follows:

After the word “exists” in the — section insert the following: “in consequence of a part of the penitentiary buildings having been consumed by fire;” and strike out the words “requiring the enactment hereby made.”

Which was adopted.



Mr. Cravens moved to suspend the rules, and read the bill a third time now ;

Which was decided in the affirmative. Ayes 36 ; noes 3.

*Those who voted in the affirmative were,*

Messrs. Alexander, Brugh, Cravens, Defrees, Delevan, Emerson, Goodman, Hanna, Hatfield, Henton, Hester, Hickman, Hicks, Holloway, Hunt, Kendall, Kinnard, Knowlton, Logan, Longshore, McCarty, Mickle, Miller, Milliken, Niblack, Odell, Reid, Saffer, Secrest, Slack, Spann, Turman, Walker, Washburn, Winstandley, and Witherow.

*Those who voted in the negative were,*

Messrs. Berry, Eddy, and Sleeth.

The bill was then read a third time, and

The question being, shall the bill pass?

It was decided in the affirmative, ayes 32, noes 7.

*Those who voted in the affirmative were,*

Messrs. Alexander, Brugh, Cravens, Defrees, Delevan, Goodman, Hatfield, Henton, Hester, Hicks, Holloway, Hunt, Kendall, Kinnard, Knowlton, Logan, Longshore, McCarty, Miller, Milliken, Niblack, Odell, Saffer, Secrest, Slack, Spann, Turman, Walker, Washburn, Winstandley, and Witherow.

*Those who voted in the negative were,*

Messrs. Berry, Eddy, Emerson, Hanna, Hickman, Reid, and Sleeth.

Mr. Emerson, from a select committee, submitted the following report:

Mr. PRESIDENT:

The select committee to whom was referred a resolution of the Senate, instructing said committee to ascertain and report the expense of enrolling the acts of the last General Assembly, have had the same under consideration, and have directed me to report that by an act entitled "an act in relation to enrolling the acts of the General Assembly," approved February 11, 1843, transferring the

duties of enrolling to the Secretary of State, the sum of two hundred dollars was annually appropriated to defray the expenses of the enrolling; that by the 32d section of the act making specific appropriations for the year 1848, the further sum of two hundred and eighty-eight dollars was permanently appropriated for the same purpose, making in all the sum of \$488 annually appropriated for the purpose of defraying the expenses of enrolling. The committee would further report that by the act making specific appropriations for the year 1851, the further sum of \$72 was appropriated for the same purpose; making the whole amount of appropriations for the payment of the expense of enrolling the acts of the last session of the General Assembly the sum of five hundred and sixty dollars. Your committee, having fully reported, ask to be discharged from the further consideration thereof.

Which was concurred in.

On motion by Mr. Emerson,

The order of business was suspended.

When,

Mr. Emerson, from the committee on Practice and Pleadings of Courts of Justice and Criminal Law of the State, submitted the following report:

MR. PRESIDENT:

The committee on Practice and Pleading and Criminal Law, to which was referred Senate bill No. 65, entitled, a bill to regulate general and special elections, preserve the purity thereof, and fixing the compensation of inspectors, judges, and clerks, and the time and manner of holding the same, have had the same under consideration, and have directed me to report the same back and recommend that it be laid on the table.

Which was concurred in.

Mr. Cravens moved to suspend the order of business.

Which motion prevailed.

Mr. Cravens offered the following resolution:

*Resolved*, That when the Senate adjourns this evening, it will meet again at 6 o'clock to-morrow morning.

Which was adopted.

Mr. Cravens, from the committee on Canals and Internal Improvements, submitted the following report:

MR. PRESIDENT:

The committee on Canals and Internal Improvements, to whom

was referred joint resolution No. 26, in relation to Col. Francis Vigo, have instructed me to report it back to the Senate and recommend that it be laid on the table.

Which was concurred in.

#### ORDERS OF THE DAY.

##### *Senate Bills on their Third Reading.*

No. 114. A joint resolution in relation to declaring the bridge over the Ohio River at Wheeling, Virginia, a post route;

Was read a third time, and

The question being, shall the joint resolution pass?

It was decided in the affirmative—ayes 32, noes 7.

##### *Those who voted in the affirmative were,*

Messrs. Alexander, Berry, Brugh, Cravens, Delevan, Eddy, Emerson, Henton, Hester, Hickman, Hicks, Holloway, Hunt, Kendall, Kinnard, Knowlton, Logan, Longshore, McCarty, Mickle, Miller, Niblack, Reid, Saffer, Secrest, Slack, Spann, Turman, Walker, Washburn, Winstandley, and Witherow.

##### *Those who voted in the negative were,*

Messrs. Defrees, Goodman, Hanna, Hatfield, Milliken, Odell, and Sleeth.

No. 111. A bill to provide for the sale of the northwest quarter of section twenty-six, in township one, north of range five west, in Dubois county, the same having been reserved as saline lands;

Was read a third time, and passed—ayes 31, noes 4.

##### *Those who voted in the affirmative were,*

Messrs. Alexander, Berry, Brugh, Cravens, Defrees, Delevan, Goodman, Hanna, Henton, Hester, Hickman, Hicks, Holloway, Hunt, Kinnard, Knowlton, McCarty, Mickle, Miller, Milliken, Niblack, Odell, Reid, Saffer, Slack, Spann, Turman, Walker, Washburn, Winstandley, and Witherow.

##### *Those who voted in the negative were,*

Messrs. Emerson, Hatfield, Secrest, and Sleeth.

No. 105. A bill to enable the county commissioners of the several counties to borrow money for the purpose of erecting and completing court houses, jails and other county buildings;

Was read a third time, and

The question being, shall the bill pass?

It failed for the want of a constitutional majority—ayes 19, noes 15.

*Those who voted in the affirmative were,*

Messrs. Alexander, Cravens, Defrees, Delevan, Eddy, Goodman, Hatfield, Henton, Hicks, Holloway, Kinnard, Knowlton, McCarty, Milliken, Saffer, Slack, Washburn, Winstandley, and Witherow.

*Those who voted in the negative were,*

Messrs. Berry, Brugh, Emerson, Hickman, Hunt, Kendall, Mickle, Miller, Niblack, Reid, Secrest, Sleeth, Spann, Turman, and Walker.

On motion by Mr. Slack,

The vote just taken was reconsidered.

On motion by Mr. Slack,

The bill was laid on the table.

#### HOUSE BILLS ON THEIR THIRD READING.

No. 70. A bill to establish a court of common pleas;

Was on its second reading, when

Mr. Defrees moved to lay it on the table;

Which was not agreed to.

Mr. Hanna moved that the bill be indefinitely postponed;

Which motion did not prevail.

Mr. Slack moved to lay the bill on the table, and order 250 copies to be printed.

A division of the question was called for.

The President having decided the question divisible, the 1st question, on laying the bill on the table,

Was decided in the affirmative. Ayes 24; noes 14.

The ayes and noes were demanded by Messrs. Reid and Slack.

*Those who voted in the affirmative were,*

Messrs. Alexander, Berry, Brugh, Cravens, Defrees, Henton, Hollo-

way, Kendall, Knowlton, Logan, McCarty, Mickle, Miller, Milliken, Niblack, Odell, Reid, Saffer, Secrest, Slack, Sleeth, Turman, Walker and Witherow.

*Those who voted in the negative were,*

Messrs. Delevan, Eddy, Emerson, Goodman, Hanna, Hatfield, Hester, Hickman, Hicks, Hunt, Kinnard, Spann, Washburn, and Winstandley.

The question then being on ordering 250 copies to be printed, It was decided in the negative. Ayes 17; noes 20.  
The ayes and noes were demanded by Messrs. Reid and Slack.

*Those who voted in the affirmative were,*

Messrs. Brugh, Eddy, Hickman, Holloway, Hunt, Knowlton, McCarty, Mickle, Niblack, Odell, Saffer, Slack, Spann, Turman, Walker, Washburn, and Witherow.

*Those who voted in the negative were,*

Messrs. Berry, Cravens, Defrees, Delevan, Emerson, Goodman, Hanna, Hatfield, Henton, Hester, Hicks, Kendall, Kinnard, Logan, Miller, Milliken, Reid, Secrest, Sleeth, and Winstandley.

No. 156. A bill providing for the punishment of offences by imprisonment in the county jail, or by fine;

Was read the third time; when,

On motion by Mr. Slack,

It was laid on the table.

No. 80. A bill for the relief of the poor;

Was read a third time, and,

On motion by Mr. Slack,

Laid on the table.

#### HOUSE BILLS ON THEIR SECOND READING.

No. 159. A bill to so modify an act entitled "an act to incorporate the city of Indianapolis," as to make all officers of said city elective by the people;

Was read a second time ; when,

On motion by Mr. Berry,

It was referred to a select committee, with instructions to make its provisions general.

Messrs. Berry, McCarty, and Holloway, were appointed said committee.

No. 81. A bill to authorize trustees and other church officers to receive conveyances of lands, and donations for the use of schools, literary societies, meeting houses, churches, Masonic, Odd Fellows and Sons of Temperance Lodges, and other voluntary and benevolent associations, and some general provisions respecting burying grounds;

Was on its second reading ; when,

On motion by Mr. Hester,

It was referred to the committee on Corporations.

Mr. Hicks, from the committee on Benevolent Institutions of the State, submitted the following report:

MR. PRESIDENT:

The committee on Benevolent Institutions of the State, to which was referred a resolution of the Senate instructing them to report a bill for the establishment of houses of refuge, for the correction and reformation of juvenile offenders, as provided in the Constitution, have, in obedience to said instructions, directed me to report the accompanying bill.

The accompanying bill was read a first time, and passed to a second reading.

Mr. Eddy, from the committee on Swamp Lands, submitted the following report:

MR. PRESIDENT:

The committee on Swamp Lands, under the resolution of the Senate, return the bills in relation thereto.

Mr. Eddy submitted the following, from the committee on Corporations:

MR. PRESIDENT:

The committee on Corporations, under the resolution of the Senate return the following bills, to-wit: House bills No. 86 and 131.

Mr. Eddy, from a select committee, also submitted the following report:

MR. PRESIDENT:

The select committee, in accordance with a resolution of the Senate, herewith return House bill No. 165.

On motion by Mr. Eddy,  
Senate bill No. 105 was taken from the table.

Whereupon, he moved to amend by striking out the word "twenty," in the 8th line of section one, and inserting in lieu thereof the word "ten."

Which was unanimously agreed to.

The question then being, shall the bill pass?

It was decided in the affirmative—ayes 27, noes 8.

*Those who voted in the affirmative were,*

Messrs. Alexander, Cravens, Defrees, Delevan, Eddy, Hanna, Hatfield, Hester, Hickman, Hicks, Holloway, Kinnard, Knowlton, Logan, McCarty, Mickle, Miller, Milliken, Odell, Reid, Saffer, Slack, Walker, Washburn, Winstandley, and Witherow.

*Those who voted in the negative were,*

Messrs. Berry, Brugh, Emerson, Henton, Kendall, Secrest, Sleeth, and Turman.

Mr. Miller moved to reconsider the vote refusing to print House bill No. 70.

Which was agreed to.

The question being, shall 250 copies of the bill be printed?

It was decided in the affirmative. Ayes 20; noes 16.

The ayes and noes were demanded by Messrs. Hester and Berry.

*Those who voted in the affirmative were,*

Messrs. Alexander, Brugh, Eddy, Hanna, Hatfield, Hickman, Holloway, Kendall, Kinnard, Knowlton, McCarty, Mickle, Miller, Niblack, Odell, Slack, Turman, Walker, Washburn, and Witherow.

*Those who voted in the negative were,*

Messrs. Berry, Cravens, Defrees, Delevan, Emerson, Goodman, Henton, Hester, Hicks, Hunt, Logan, Milliken, Reid, Secrest, Sleeth, and Winstandley.

Mr. Berry, from a select committee, submitted the following report :

MR. PRESIDENT :

The select committee to whom was referred House bill No. 159, have had it under consideration, and when the following amendments are adopted, they recommend its passage.

Strike out all from the enacting clause and insert :

That the qualified voters of each and every city or incorporated town that may have the following officers, viz: mayor, recorder, city judges, secretaries or clerks, treasurers or collectors, councilmen, trustees, marshals, street commissioners, attorneys, surveyors, engineers, and assessors, shall at such times as now provided by law to hold their annual elections, elect the above named officers, who shall hold their respective offices for the terms of time, and of each of the above named officers such number as are now provided by law ; and in all municipal elections in this State, no other or different qualification shall be required of any voter than that which shall entitle them to vote at any township, county, or State election, except that their residence shall be in the ward of the city or town where such election shall be holden.

SEC. 2. As there is no general law providing for the provisions of this act, and that the voters of the several cities or towns of this State may have the benefit of this act, and as there is an emergency existing, it is declared that this act shall be in force from and after its passage and publication in the State Sentinel and State Journal.

The amendments of the committee were concurred in, and ordered to be engrossed, when

Mr. McCarty moved that the amendment be considered as engrossed, the rules suspended, and bill read a third time now.

Which was decided in the affirmative—ayes 33, noes 2.

*Those who voted in the affirmative were,*

Messrs. Alexander, Berry, Brugh, Cravens, Defrees, Delevan, Emerson, Goodman, Hanna, Henton, Hester, Hickman, Hicks, Holloway, Hunt, Kendall, Kinnard, Knowlton, Logan, McCarty, Mickle, Miller, Milliken, Niblack, Odell, Saffer, Secrest, Slack, Spann, Turman, Walker, Washburn, Winstandley, and Witherow.

Messrs. Eddy and Sleeth voted in the negative.

The bill was then read a third time ; and,  
The question then being, shall the bill pass?

It was decided in the affirmative ; ayes 36, noes 0.



*Those who voted in the affirmative were,*

Messrs. Alexander, Berry, Brugh, Cravens, Defrees, Delevan, Eddy, Emerson, Goodman, Hanna, Henton, Hester, Hickman, Hicks, Holloway, Hunt, Kendall, Kinnard, Knowlton, Logan, McCarty, Mickle, Miller, Milliken, Niblack, Odell, Saffer, Secrest, Slack, Sleeth, Spann, Turman, Walker, Washburn, Winstandley, and Witherow.

Mr. Emerson moved to strike out the title, and insert the following in lieu thereof:

A bill providing for the election of town and city officers and prescribing the qualifications of voters in such elections.

Which was agreed to.

Mr. Turman, from the committee on the State Library, submitted the following report:

MR. PRESIDENT:

The committee on the State Library, under a resolution of the Senate, return Senate bill No. 110, entitled "an act providing for the purchase of 38 bound volumes of the Western Sun and General Advertiser for the use of the State Library.

Mr. Turman submitted the following report from a select committee:

MR. PRESIDENT:

Under a resolution of the Senate, the select committee to whom was referred House bill No. 142, entitled "a bill to authorize the re-location of the seat of justice of the county of Clay, &c.," herewith return it for preservation during the recess.

Mr. Milliken offered the following resolution:

*Resolved*, That the Senate will allow the Door-keeper and his assistants for the present session the usual allowance of \$3 per day.

Which was adopted.

Message from the House of Representatives, by Mr. Sites, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has concurred in the engrossed amendments of the Senate to engrossed bill of the House No. 190, entitled "an act providing for the erection of buildings appertaining to the State prison."

Also, the following message:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the Speaker has signed the following enrolled bills thereof:

Nos. 175, and 182, which I am directed to bring to the Senate for the signature of the President thereof.

Also, the following message:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the Speaker has signed the following enrolled bill thereof:

No. 190, which I am directed to bring to the Senate for the signature of the President thereof.

Also, the following:

MR. PRESIDENT:

I am directed to inform the Senate that the Speaker has signed the following enrolled bills thereof:

Nos. 56, 112, 122, and 138, which I am directed to bring to the Senate for the signature of the President thereof.

On motion by Mr. Turman,  
The Senate adjourned.

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2 o'clock, P. M.

The Senate met:

Mr. Hanna asked leave to withdraw a petition in reference to the re-location of the county seat of Clay county;

Which was granted.

Mr. Holloway presented a memorial from citizens of the State of Indiana, on the subject of temperance;

Which,

On his motion,  
Was laid on the table.

Mr. Slack presented the petition of citizens of the town of Huntington, in Huntington county, praying for the passage of a law repealing the law incorporating the town of Huntington. Also, a remonstrance against the same;

Which,

On motion,  
Were laid on the table.

Message from the House of Representatives, by Mr. Sites, their Clerk:

MR. PRESIDENT:

I am directed by the House to inform the Senate that the House has adopted the following resolution:

*Resolved*, The Senate concurring, the House will dispense with the election of one committee man on the revision, during the recess.

In which the concurrence of the Senate is respectfully requested.

Which was concurred in.

Also, the following message:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has elected Messrs. Gibson, Owen and Stover as the committee on Revision on the part of the House, in the place of Messrs. Gibson. English, Bryant and Linsday, as formerly reported.

Also, the following message:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has adopted the following resolution:

*Resolved*, (If the Senate concur,) that the State Librarian be directed, during the recess of the Legislature, to provide and superintend means for the better ventilation of the hall of the House by such alterations or repairs in the sky-light on the roof as he may be of the opinion or may be advised will be most suitable to effect such purpose.

In which the concurrence of the Senate is respectfully requested.

Which,

On motion,

Was laid on the table.

Mr. Knowlton offered the following resolution:

*Resolved*, That the thanks of the Senate are tendered to the President pro tem., for the able, dignified and impartial manner in which he has presided over this body, at different times during the present session.

Which was unanimously adopted.

Mr. Winstandley moved a call of the Senate.

Which was ordered.

Mr. Eddy moved to excuse Mr. Brugh,

Which was agreed to.

On motion,

The absentees were sent for.

Mr. Saffer introduced to the Senate a delegation of ladies of the Social Order of Temperance, who presented a petition praying the enactment of a law similar in its character to the law of Maine upon the subject of temperance.

Mr. Milliken moved to lay the petition on the table, and order 500 copies to be printed.

A division of the question was called for. The President having decided the question divisible, the first question, on laying the petition on the table,

Was decided in the affirmative.

The question then being on ordering 500 copies to be printed,

Mr. Cravens moved to lay the motion on the table.

Which was agreed to.

On motion by Mr. Cravens,

The petition was taken from the table.

On motion by Mr. Holloway,

It was referred to a select committee of five.

Messrs. Holloway, Milliken, Saffer, McCarty, and Eddy were appointed said committee.

Message from the House of Representatives, by Mr. Sites, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has concurred in the engrossed amendments of the Senate to the engrossed bill of the House,

No. 159. Entitled, an act to so modify an act entitled an act to incorporate the city of Indianapolis as to make all officers of said city elective by the people.

Also, they have concurred in the engrossed amendment, with the following amendment, of the Senate to House bill

No. 152. A bill authorizing the State Librarian to contract for re-covering the State House with tin; also, for repainting of the outside woodwork, and the necessary plastering of the same;

In which the concurrence of the Senate is respectfully requested.  
Which was concurred in.

On motion by Mr. Kendall,  
The Senate adjourned.

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WEDNESDAY MORNING, }  
March 10, 1852. }

The Senate met.

The Journal of yesterday was read.

The following message was received from the House of Representatives, by Mr. Sites, their Clerk:

**MR. PRESIDENT:**

I am directed by the House to inform the Senate that the Speaker has signed enrolled bill thereof, No. 159, which I am directed to bring to the Senate for the signature of the President thereof.

On motion by Mr. Emerson,  
The Senate adjourned.

TUESDAY MORNING, 8 o'clock, }  
 April 20th, 1852. }

The Senate met.

Hon. James H. Lane, Lieut. Governor, in the chair.

Hon. John S. Scoby, Senator elect from the county of Decatur in place of Hon. Robert H. Crawford, resigned; attended, presented his credentials, was sworn as prescribed by the constitution, and took his seat.

Hon. Levi L. Todd, Senator elect from the county of Marion in place of Hon. Nicholas McCarty, resigned; attended, presented his credentials, was sworn as prescribed by the constitution, and took his seat.

The journal of the 10th of March was read.

The following message was received from the House of Representatives by Mr. Sites their clerk.

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following resolutions:

*Resolved*, That this House has learned, with deep regret, the decease, during the recess, of the Hon. J. W. Holliday of Blackford county, a member of this House.

*Resolved*, That we sincerely sympathize with the widow and bereaved family of the deceased, under this afflicting dispensation, and tender to them the expressions of our condolence.

*Resolved*, That the members of this House, in token of respect, for the memory of the deceased, will wear the usual badge of mourning for the space of thirty days.

*Resolved*, That the Speaker of this House, forward to the bereaved widow and friends of the deceased, a copy of the above resolutions.

*Resolved*, That the Senate be respectfully requested to concur in the foregoing resolutions.

*Resolved*, That in further token of respect, this House do now adjourn.

Which were concurred in.

When,

On motion by Mr. Mickle,

As a further token of respect,

The Senate adjourned.

2 o'clock, P. M.

The Senate met.

On motion of Mr. Reid,  
A call of the Senate was ordered.

When it appeared that the following Senators were absent:

Messrs. Alexander, Allen, Defrees, Goodman, Hatfield, Henton,  
Holloway, Logan, Miller, Milliken, Teegarden, Walker, and Woods.

On motion of Mr. Cravens,  
A further call was suspended ;  
When,

On motion of Mr. Mickle,  
The Senate adjourned.

WEDNESDAY MORNING, }  
April 21st, 1852. }

The Senate met.

The journal of yesterday was read.

#### PETITIONS PRESENTED.

By Mr. Slack:

A petition from sundry citizens of the county, of Huntington,  
on the subject of temperance;

Which,

On his motion,

Was referred to the committee on that subject.

By Mr. Emerson:

A petition from the citizens of Scott county, on the subject of  
banking;

Which,

On his motion,

Was referred to the standing committee on that subject.

Mr. Mickle gave notice that he would, on to-morrow, move to amend standing rule No. 1, so as to meet hereafter at eight o'clock.

#### REPORTS SUBMITTED.

By Mr. Eddy, from the joint committee on Revision:

MR. PRESIDENT:

The joint committee on Revision, to whom was referred the subject, have directed me to report a bill "establishing general provisions respecting corporations," and to recommend its passage.

The accompanying bill was read a first time and passed to a second reading.

By Mr. Eddy, from the same committee:

MR. PRESIDENT:

The committee on Revision, to whom the subject was referred, have had the same under consideration, and instructed me to report the following bill, for the incorporation of manufacturing and mining companies, and companies for mechanical, chemical, and building purposes, and recommend its passage.

The accompanying bill was read a first time and passed to a second reading.

By Mr. Hester, from the same committee:

MR. PRESIDENT:

The joint committee on Revision, to whom was referred the subject, have directed me to report a bill "defining misdemeanors, and prescribing punishment therefor," and to recommend its passage.

The accompanying bill was read a first time and passed to a second reading.

By Mr. Hester, from the same committee:

MR. PRESIDENT:

The joint committee on Revision, to whom was referred the subject, have instructed me to report a bill "defining felonies, and prescribing punishment therefor," and to recommend its passage.

The accompanying bill was read a first time and passed to a second reading.



By Mr. Hester, from the same committee :

MR. PRESIDENT :

The joint committee on Revision, to whom was referred the subject, have instructed me to report a bill "prescribing who may make a will, the effect thereof, what may be devised, regulating the revocation, admission to probate, and contest thereof," and to recommend its passage.

The accompanying bill was read a first time and passed to a second reading.

By Mr. Eddy, from same committee :

MR. PRESIDENT :

The joint committee on Revision, to whom the subject was referred, have had the same under consideration, and instructed me to report the following bill for the incorporation of high schools, academies, colleges, universities, theological institutions, and missionary boards, and recommend its passage.

The accompanying bill was read a first time and passed to a second reading.

By Mr. Hester, from the same committee :

MR. PRESIDENT :

The joint committee on Revision, to whom was referred the subject, have directed me to report a bill "providing for an organization of circuit courts, the election of judges thereof, and defining their powers and duties," and to recommend its passage.

The accompanying bill was read a first time and passed to a second reading.

By Mr. Hester, from the same committee :

MR. PRESIDENT :

The joint committee on Revision, to whom was referred the subject, have directed me to report a bill "to organize a supreme court, and prescribing certain duties of the judges thereof," and to recommend its passage.

The accompanying bill was read a first time and passed to a second reading.

By Mr. Hester, from the same committee:

MR. PRESIDENT:

The joint committee on Revision, to whom was referred the subject, have instructed me to report a bill "to establish and regulate ferries," and to recommend its passage.

The accompanying bill was read a first time and passed to a second reading.

By Mr. Hester, from the same committee:

MR. PRESIDENT:

The joint committee on Revision, to whom was referred the subject, have directed me to report a bill "to provide for the election of a State Printer, and for the public printing, the binding and distribution of the laws, journals and public documents," and to recommend its passage.

The accompanying bill was read a first time and passed to a second reading.

By Mr. Eddy from the same committee:

MR. PRESIDENT:

The joint committee on Revision, to whom the subject was referred, have had the same under consideration and instructed me to report the following bill for the establishment and regulation of county libraries, and recommend its passage.

The accompanying bill was read a first time and passed to a second reading.

By Mr. Eddy from same committee:

MR. PRESIDENT:

The joint committee on Revision, to whom was referred the subject, have directed me to report a bill "to authorize the formation of voluntary associations," and to recommend its passage.

The accompanying bill was read a first time and passed to a second reading.

The President announced the appointment of Mr. Todd to serve on the committees on Corporations, Public Buildings, Town of Indianapolis, and Federal Relations.

Also, the appointment of Mr. Scoby to serve on the committees on Benevolent Institutions of the State, Canals and Internal Im-

provements, Claims, Federal Relations, and Phraseology and Arrangement of Bills.

On motion by Mr. Dawson,  
The Senate adjourned.

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2 o'clock, P. M.

The Senate met.

Mr. Mickle moved a call of the Senate,  
Which was ordered.

On calling the roll it appeared that the following Senators were absent.

Messrs. Alexander, Allen, Dawson, Defrees, Goodman, Hatfield, Henton, Holloway, Logan, Longshore, Marshall, Miller, Newland, Teegarden, Walker and Woods.

On motion by Mr. Hanna,  
The further call was suspended.

#### REPORTS SUBMITTED.

By Mr. Hester, from the committee on Revision :

MR. PRESIDENT:

The joint committee on Revision, to whom was referred the subject, have instructed me to report a bill "providing for the election, and prescribing certain duties of the clerk of the supreme court," and to recommend its passage.

The accompanying bill was read a first time and passed to a second reading.

By Mr. Hester from the same committee :

MR. PRESIDENT:

The joint committee on Revision, to whom was referred the subject, have instructed me to report a bill "providing for the election and prescribing certain duties of county surveyor," and to recommend its passage.

The accompanying bill was read a first time and passed to a second reading.

By Mr. Hester from the same committee:

**MR. PRESIDENT:**

The joint committee on Revision to whom was referred the subject, have instructed me to report a bill "providing for the appointment and prescribing the duties and liabilities of deputies of certain officers," and to recommend its passage.

The accompanying bill was read a first time and passed to a second reading.

By Mr. Hester from the same committee:

**MR. PRESIDENT:**

The joint committee on Revision to whom was referred the subject, have instructed me to report a bill "touching townships and the boundaries thereof," and to recommend its passage.

The accompanying bill was read a first time and passed to a second reading.

By Mr. Hester from the same committee:

**MR. PRESIDENT:**

The select joint committee on Revision, to whom was referred House bill No. 102, entitled "a bill regulating the licensing of pilots at the falls of Ohio, requiring bond and security of such pilots, prohibiting any unlicensed person from acting as such pilot, and providing for the compensation of such pilots, and the revocation of their licenses," have had the bill under consideration and have instructed me to report the same back to the Senate and recommend its passage.

The accompanying bill being on its second reading,

When,

On motion by Mr. Berry,

It was recommitted to the committee on Federal Relations.

By Mr. Hester, from the same committee:

**MR. PRESIDENT:**

The joint committee on Revision, to which was referred Senate joint resolutions, Nos. 22, 46, 83 and 113, and House joint resolutions, Nos. 1, 6, 7, 12, 20 and 26, report the same back without revision, or recommendation, and respectfully ask to be discharged from their further consideration.

Which was concurred in.

When,

On motion by Mr. Mickle,

The accompanying joint resolutions were laid on the table.

Message from the House of Representatives, by Mr. Sites, their Clerk:

**MR. PRESIDENT:**

I am directed by the House of Representatives to inform the Senate that the House has adopted the following resolution:

*Resolved*, The Senate concurring, that the Door-keeper of the House forthwith cause a good and efficient lightning rod to be placed on the State House, and that the present chain and rod be removed and disposed of by said Door-keeper.

In which the concurrence of the Senate is respectfully requested.  
Which,

On motion by Mr. Athon,  
Was referred to the committee on Public Buildings.

#### REPORTS SUBMITTED.

By Mr. Hester, from the joint committee on Revision:

**MR. PRESIDENT:**

The select joint committee on Revision, to whom was referred the subject, have instructed me to report a bill "prescribing the manner of compelling officers to give new bonds and additional sureties," and to recommend its passage.

The accompanying bill was read a first time and passed to a second reading.

By Mr. Eddy from the same committee:

**MR. PRESIDENT:**

The joint committee on Revision, to whom was referred the subject matter, have had the same under consideration, and instructed me to report the following bill and recommend its passage.

The accompanying bill was read a first time and passed to a second reading.

By Mr. Hester, from the same committee.

**Mr. PRESIDENT:**

The joint committee on Revision to whom the subject was referred, have had the same under consideration, and instructed me to report the following bill to provide for the appointment of a sheriff of the supreme court, and prescribing certain of his duties and fees; and recommend its passage.

The accompanying bill was read a first time and passed to a second reading.

By Mr. Hester, from the same committee:

**Mr. PRESIDENT:**

The joint committee on Revision, to whom was referred the subject, have instructed me to report a bill to regulate the toll of grist mills, and prescribing certain duties of millers, and to recommend its passage.

The accompanying bill was read a first time and passed to a second reading.

By Mr. Hester, from the same committee:

**Mr. PRESIDENT:**

The joint committee on Revision, to whom was referred the subject, have instructed me to report a bill transferring the duties of county agent to county auditor, and to recommend its passage.

The accompanying bill was read a first time and passed to a second reading.

By Mr. Hester, from the same committee:

**Mr. PRESIDENT:**

The joint committee on Revision, to whom was referred the subject, have instructed me to report a bill to provide for the appointment and compensation of an attorney for the State in the supreme court, and to recommend its passage.

The accompanying bill was read a first time and passed to a second reading.

By Mr. Hester, from the same committee:

**MR. PRESIDENT:**

The joint committee on Revision, to whom was referred the subject, have instructed me to report a bill providing for the election of clerks of the circuit court, and prescribing some of their duties, and to recommend its passage.

The accompanying bill was read a first time and passed to a second reading.

By Mr. Hester, from the same committee:

**MR. PRESIDENT:**

The joint committee on Revision, to whom was referred the subject, have instructed me to report a bill "to provide for the election of county sheriffs, and prescribing some of their duties," and to recommend its passage.

The accompanying bill was read a first time, and passed to a second reading.

By Mr. Hester, from the same committee:

**MR. PRESIDENT:**

The joint committee on Revision, to whom was referred the subject, have instructed me to report a bill "providing for the election, prescribing the duties, and fixing the compensation of State Agent," and to recommend its passage.

The accompanying bill was read a first time, and passed to a second reading.

By Mr. Hester, from the same committee:

**MR. PRESIDENT:**

The joint committee on Revision, to whom was referred the subject, have instructed me to report a bill "to provide for the election and prescribing certain duties of recorders," and to recommend its passage.

The accompanying bill was read a first time, and passed to a second reading.

By Mr. Hester, from the same committee:

**MR. PRESIDENT:**

The joint committee on Revision, to whom was referred the sub-

ject, have instructed me to report a bill "to organize the militia, providing for the appointment, and prescribing the duties of certain officers thereof," and to recommend its passage.

The accompanying bill was read a first time, and passed to a second reading.

Mr. Hester presented a Supplemental Report from the Trustees of the Indiana University ;

Which,

On motion by Mr. Cravens,

Was laid on the table, and one thousand copies ordered to be printed.

On motion by Mr. Hanna,

The Senate adjourned.

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THURSDAY MORNING, }  
April 22d, 1852. }

The Senate met.

When,

On motion by Mr. Cravens,

Mr. Mickle was called to the chair.

The journal of yesterday was read.

#### PETITIONS, MEMORIALS, &C., PRESENTED.

By Mr. Milliken :

Memorials from the citizens of Lawrenceburgh on the subject of temperance ;

Which,

On his motion,

Were referred to the committee on that subject.

By Mr. Milliken :

A petition from the citizens of Dearborn county, in relation to reducing the Fees and Salaries of county officers ;

Which,

On his motion,

Was referred to the committee on the Judiciary.



Mr. Hanna returned a petition withdrawn by him from the files relative to the removal of the county seat of Clay county.

By Mr. Knowlton:

The memorial of the Board of Equalization for the county of Ripley;

Which,

On his motion,

Was referred to the committee on the Judiciary.

By Mr. Sleeth:

The memorial of the Shelby County Agricultural Society;

Which,

On his motion,

Was referred to the committee on Agriculture.

#### RESOLUTIONS OFFERED.

By Mr. Hickman:

*Resolved*, That hereafter the Senate will meet at eight o'clock A. M.

Mr. Eddy moved to amend by striking out "eight" and inserting "half past eight."

Mr. Slack moved to lay the resolution and amendment on the table.

Which was not agreed to.

The question recurring on the adoption of the amendment;

Mr. Saffer moved a call of the Senate, which was ordered.

On calling the roll the following Senators were absent:

Senators Alexander, Athon, Defrees, Goodman, Hatfield, Henton, Holloway, Logan, Longshore, Marshall, Miller, Newland, Teegarden, Turman, Walker and Woods.

On motion by Mr. Cravens,

Mr. Athon was excused.

The question recurring on the adoption of the amendment to the resolution.

It was decided in the affirmative.

The resolution as amended was then adopted—ayes 24, noes 10.

The ayes and noes were demanded by Senators Milliken and Hickman.

*Those who voted in the affirmative were,*

Senators Allen, Berry, Cravens, Dawson, Delevan, Eddy, Emer-

son, Hester, Hickman, Hicks, Hunt, James, Kendall, Kinnard, Mickle, Milliken, Odell, Reid, Scoby, Secrest, Todd, Washburn, Winstandley and Witherow.

*Those who voted in the negative were,*

Senators Brugh, Davis, Dougherty, Hanna, Knowlton, Niblack, Saffer, Slack, Sleeth and Spann.

#### ORDERS OF THE DAY.

##### *Senate Bills on their Second Reading.*

No. 117. A bill for the incorporation of manufacturing and mining companies, and for mechanical, chemical, and building purposes;

Was read a second time, when

Mr. Emerson moved to amend by striking out of section 3, the word "citizen," and inserting in lieu thereof the word "resident;"

Which was adopted.

Mr. Eddy moved to fill the blank in section 10 with the number 6.

Which was agreed to.

The bill as amended was ordered to be engrossed.

No. 125. A bill to provide for the election of a State Printer, and for the public printing, the binding and distribution of the laws, journals, and public documents;

Was read a second time and ordered to be engrossed.

No. 118. A bill defining misdemeanors and prescribing the punishment therefor;

Was read a second time, when

Mr. Niblack moved to refer the bill to the committee on Criminal Law.

The question then being, shall the bill be so referred?

The ayes and noes were demanded by Senators Secrest and Athon.

*Those who voted in the affirmative were,*

Senators Brugh, Dougherty, Niblack, Saffer, Spann, Todd and Witherow—7.

*Those who voted in the negative were,*

Senators Allen, Athon, Berry, Cravens, Delevan, Eddy, Emerson,

Hickman, Hicks, Hunt, James, Kendall, Knowlton, Mickle, Milliken, Odell, Reid, Scoby, Secrest, Slack Sleeth, Washburn and Winsteadley—23.

Mr. Hester was excused from voting.

No quorum voting,

On motion by Mr. Slack,

A call of the Senate was ordered.

When it appeared that the following Senators were absent:

Senators Alexander, Goodman, Hanna, Hatfield, Henton, Holloway, Logan, Longshore, Marshall, Miller, Newland, Teegarden, Turman, Walker, and Woods.

When,

Mr. Niblack moved to dispense with the further call,

Which was agreed to.

The question recurring on referring the bill,

It was decided in the negative—ayes 7, noes 28.

The ayes and noes were demanded by Messrs. Secrest and Athon.

*Those who voted in the affirmative were,*

Senators Brugh, Dougherty, Niblack, Saffer, Spann, Todd and Witherow.

*Those who voted in the negative were,*

Senators Allen, Athon, Berry, Cravens, Davis, Dawson, Delevan, Eddy, Emerson, Hanna, Hester, Hickman, Hicks, Hunt, James, Kendall, Kinnard, Knowlton, Mickle, Milliken, Odell, Reid, Scoby, Secrest, Slack, Sleeth, Washburn and Winsteadley.

Mr. Athon moved to amend as follows:

Amend by striking out of line second, 59th section, after the word "by" the word "persuasion."

Which was not agreed to.

Mr. Scoby offered the following amendment:

Amend section 37 by striking out the words "within one mile," and insert instead thereof, the words "within two miles."

Which was adopted.

Mr. Hanna moved the following amendment:

Amend after the word "shall," in the 4th line, by inserting the words, "establish any booth, stall, or wagon, or other temporary place to;"

Which was not adopted.

Mr. Emerson moved to amend as follows:

After the word "the," in the 7th line of the 16th section, insert the words "tract, or legal subdivision of."

Also strike out the words "they may reside," in the 7th and 8th lines of said section, and insert the words "any such timber may be cut," in lieu thereof.

Which was not adopted.

On motion by Mr. Cravens,  
The Senate adjourned.

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2 o'clock, P. M.

The Senate met.

The consideration of Senate bill No. 118, pending at adjournment, was resumed; when

Mr. Winstandley moved to amend as follows:

Amend by inserting after the word "liquor," in the 5th line of the 37th section, the following: "At any booth, wagon, shed, or open place, or in any building temporarily erected for the purpose of selling therein such liquors;

Which was adopted.

The question being, shall the bill be engrossed?

It was decided in the affirmative.

Senate bill No. 116. A bill establishing general provisions respecting corporations;

Was read a second time and ordered to be engrossed for a third reading.

Mr. Berry moved to suspend the order of business;

Which was agreed to.

A message from the House of Representatives by Mr. Sites their clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof:

No. 197. An act explanatory to the act entitled "an act providing for the election of town and city officers, and prescribing the qualification of voters in such elections," approved March 10th, 1852, and to provide for filling vacancies in the office of Councilman or trustee, in which the concurrence of the Senate is respectfully requested.

The accompanying bill was read a first time, when  
Mr. Berry moved to suspend the rules and read the bill a second time now;

Which was decided in the affirmative—ayes 34, noes 1.

*Those who voted in the affirmative were,*

Senators Allen, Athon, Berry, Brugh, Cravens, Davis, Delevan, Dougherty, Eddy, Hanna, Hester, Hickman, Hicks, Hunt, James, Kendall, Kinnard, Knowlton, Mickle, Miller, Milliken, Niblack, Odell, Reid, Saffer, Scoby, Secrest, Sleeth, Spann, Teegarden, Todd, Washburn, Winsteadley, and Witherow.

Senator Emerson voted in the negative.

The bill was read a second time; when

Mr. Secrest moved to suspend the rules, and read the bill a third time now;

Which was decided in the affirmative. Ayes 35, noes 1.

*Those who voted in the affirmative were,*

Senators Allen, Athon, Berry, Brugh, Cravens, Davis, Delevan, Dougherty, Eddy, Hanna, Hester, Hickman, Hicks, Hunt, James, Kendall, Kinnard, Knowlton, Mickle, Miller, Milliken, Niblack, Odell, Reid, Saffer, Scoby, Secrest, Sleeth, Spann, Teegarden, Todd, Turman, Washburn, Winsteadley, and Witherow.

Senator Emerson voted in the negative.

The bill was then read a third time; and,

The question being, shall the bill pass?

It was decided in the affirmative. Ayes 36; noes, none.

*Those who voted in the affirmative were,*

Senators Allen, Athon, Berry, Brugh, Cravens, Davis, Delevan, Dougherty, Eddy, Emerson, Hanna, Hester, Hickman, Hicks, Hunt, James, Kendall, Kinnard, Knowlton, Mickle, Miller, Milliken, Niblack, Odell, Reid, Saffer, Scoby, Secrest, Sleeth, Spann, Todd, Turman, Washburn, Winsteadley, and Witherow.

## SENATE BILLS ON THEIR SECOND READING.

Senate bill No. 119. A bill defining felonies, and prescribing punishment therefor;

Was read a second time; when

Mr. Slack moved to strike out section 46;

Which was agreed to.

The question then being, shall the bill, as amended, be engrossed?

It was decided in the affirmative.

Senate bill No. 120. A bill prescribing who may make a will, the effect thereof, what may be devised, regulating the revocation, admission to probate, and contest thereof;

Was read a second time and ordered to be engrossed.

Senate bill No. 121. A bill for the incorporation of high schools, academies, colleges, universities, theological institutions and missionary boards;

Was read a second time and ordered to be engrossed.

Senate bill No. 122. A bill to organize a supreme court, and prescribing certain duties of the judges thereof;

Was read a second time; when

Mr. Hester moved to strike out section 3;

Which was agreed to, and the bill, as amended, ordered to be engrossed.

No. 123. A bill providing for an organization of circuit courts, the election of judges thereof, and defining their powers and duties;

Was read a second time; when

Mr. Hester moved to lay the bill on the table;

Which motion prevailed.

Message from the House of Representatives by Mr. Sites, their Clerk:

MR. PRESIDENT:

I am directed by the House to inform the Senate that the Speaker has signed the following enrolled bill thereof:

No. 152, which I am directed to bring to the Senate for the signature of the President thereof.

On motion by Mr. Emerson,  
The Senate adjourned.

FRIDAY MORNING, }  
 April 23d, 1852. }

The Senate met.

The journal of yesterday was read.

PETITIONS PRESENTED.

By Mr. Teegarden:

From 459 citizens of Porter county, asking the passage of a law upon the subject of vending spiritous liquors, similar to the law of Maine on that subject;

Which,

On his motion,

Was referred to the committee on Temperance.

By Mr. Niblack;

From citizens of Clay county, relative to the re-location of the county seat of that county;

Which was referred to the select committee on that subject.

By Mr. Teegarden:

From 325 citizens of the county of Laporte, asking the passage of a general banking law;

Which,

On his motion,

Was referred to the committee on that subject.

By Mr. Milliken:

From the citizens of Dearborn county, in relation to the reduction of the fees and salaries of county officers;

Which,

On his motion,

Was referred to the committee on the Judiciary.

By Mr. Hicks:

From the citizens of Johnson county, upon the subject of Temperance;

Which,

On his motion,

Was referred to the committee on that subject.

By Mr. Hunt:

From citizens and ladies of this State, praying the enactment of a law prohibiting the sale of intoxicating liquors, similar to that of the State of Maine;

Which,

On his motion,

Was referred to the committee on Temperance.

By Mr. Teegarden :  
 From citizens of Laporte county, praying the repeal of the valuation law;  
 Which,  
 On his motion,  
 Was referred to the committee on the Judiciary.

#### RESOLUTIONS OFFERED.

By Mr. Reid:

*Resolved*, That the State Printer print for the use of the members of the Senate two hundred and fifty (250) copies of the "Code of Practice and Pleading," so far as the same has progressed, and is now in his hands, under a resolution of the House, and that the Door-keeper be instructed to deliver twenty copies thereof to the Commissioners for their use.

Which was adopted.

#### REPORTS SUBMITTED.

By Mr. Hester, from the committee on Revision :

MR. PRESIDENT :

The joint committee on Revision, to whom was referred House bill No. 70, a bill to establish courts of common pleas, and defining the jurisdiction and duties, and providing compensation for the judges thereof," have had the same under consideration, and instructed me to report the following amendments, upon the adoption of which they recommend its passage :

Amendments to House bill No. 70—

1. Add after the word "minors" in the 6th line of section 4, the following: "all actions against executors and administrators; to authorize guardians to sell and convey real estate of their wards, and the appointment of guardians of persons of unsound mind."

2. Strike out section 5, and insert the following:

SEC. 5. The circuit and common pleas courts shall have concurrent jurisdiction in all actions against heirs, devisees, and the sureties of executors, administrators and guardians, in the partition of real estate, assignment of dower, and the appointment of a commissioner to execute a deed on any title bond given by a decedent.

3. Strike out section 13, and insert the following:

SEC. 13. An appeal shall lie from such court of common pleas, in all cases, to the circuit or supreme court, at the option of the



party applying therefor; and an appeal may be taken from the judgment of a justice of the peace, to the common pleas or circuit court, as the party first filing his bond therefor, may elect.

4. In section 14, in the 2d line, strike out all after the word "felony," to the word "provided" in the 3d line; and after the word "that" in the 3d line, strike out all before the words "the defendant," in the 4th line.

5. In section 15, 1st line strike out the word "shall" and insert the word "may;" and in the 3rd line, strike out the words "of six."

6. Strike out section 16.

7. In section 30, in the 3rd line, strike out the word "second," and insert "third."

8. Amend the amendment of section 27, by striking out all after the word "heretofore," in the 3rd line.

9. In section 27, 8th line, strike out the words "in said common pleas, or in any other court in this State."

10. Strike out section 41, and insert the following:

SEC. 41. The judge of such court of common pleas may practice law in any other court besides his own, in any matter which has not been adjudicated upon in his court.

11. Insert in the 37th section, 3rd line, after the word "Indiana," the words or an executor or administrator, as the personal representative of a decedent.

In the 5th line of section 11, strike out "five" and insert "one thousand."

In the 4th line of section 17, "commit" should be "committed," as in the original bill.

In the 6th line of section 34, the word "judicial" should be "judicial," as in the original bill.

In the 5th line of section 35, after the word "attends" insert the words "in vacation."

In the 2nd line of section 37, the word "two" should be "three," the "two" is a misprint, or a mistake in the engrossment, as will appear by reference to the 12th line of the same section.

On motion by Mr. Berry,

The report was laid on the table.

Mr. Berry moved to reconsider the vote ordering House bill No. 70, to a third reading.

Which was agreed to.

When,

On motion by Mr. Berry,

The report of the committee on Revision was taken from the table.

The question then being, will the Senate adopt the 1st amendment proposed by the committee?

It was decided in the affirmative.

The question being on the adoption of the 2nd amendment of the committee,

It was decided in the affirmative.

The question being, will the Senate adopt the 3rd amendment of the committee?

It was decided in the affirmative.

The question then being, will the Senate adopt the 4th amendment of the committee?

Mr. Secrest moved to amend the amendment by striking out the entire 14th section.

Mr. Emerson moved to lay the amendment to the amendment on the table.

Which motion prevailed.

Mr. Reid moved to lay the amendment on the table.

Which was decided in the negative—ayes 7, noes 29.

The ayes and noes were demanded by Senators Emerson and Athon.

*Those who voted in the affirmative were,*

Senators Athon, James, Knowlton, Mickle, Reid, Secrest and Todd.

*Those who voted in the negative were,*

Senators Allen, Berry, Brugh, Cravens, Davis, Dawson, Delevan, Dougherty, Eddy Emerson, Henton Hester, Hickman, Hicks, Hunt, Kendall, Longshore, Miller, Niblack, Odell, Saffer, Scobey, Slack, Sleeth, Spann, Teegarden, Washburn, Winstandley and Witherow.

The question then recurring on the adoption of the 4th amendment of the committee,

It was decided in the affirmative.

Mr. Reid moved to amend the bill as follows:

Insert after the word felony, "unless those over which justices of the peace have exclusive jurisdiction.

Which was adopted.

Mr. Niblack moved to amend the 14th section by inserting in the 5th line, after the word "appeal," the words "in the nature of a writ of error;"

Which was not agreed to.

The question then being, will the Senate adopt the 5th amendment,

It was determined in the affirmative.

The question then being on the adoption of the 6th amendment of the committee,

It was decided in the affirmative.

The question then was, will the Senate adopt the 7th amendment proposed by the committee?

Which was decided in the affirmative.

The question being on the adoption of the 8th amendment of the committee,

Mr. Berry moved to reconsider the vote adopting the amendment to the 27th section.

Which was agreed to.

The question then recurring on the adoption of the amendment to the amendment of the committee,

It was decided in the affirmative.

The amendment, as amended, was then adopted.

The question being, will the Senate adopt the 9th amendment of the committee,

Mr. Secrest moved to amend the amendment by striking out the 37th and 38th sections;

Which was decided in the negative. Ayes 7; noes 31.

The ayes and noes were demanded by Senators Secrest and Emerson.

*Those who voted in the affirmative were,*

Senators Athon, Milliken, Niblack, Odell, Scoby, Secrest, and Slack.

*Those who voted in the negative were,*

Senators Allen, Berry, Brugh, Cravens, Dawson, Delevan, Dougherty, Eddy, Emerson, Hanna, Henton, Hester, Hickman, Hicks; Hunt, James, Kendall, Kinnard, Knowlton, Longshore, Mickle, Miller, Reid, Saffer, Sleeth, Spann, Teegarden, Todd, Washburn, Winstandley, and Witherow.

The amendment of the committee was then adopted.

Mr. Hanna moved to amend as follows:

*And provided further,* That if in any county in a district, a sum should be derived from docket fees over and above the proportionate amount which such county shall have to pay the judge; and if in another county of said district a less sum than such county's proportion shall thus arise, then the first county shall make up the deficiency, if the overplus so arising is sufficient.

Mr. Cravens moved to lay the amendment on the table.

Which was not agreed to.

The question recurring on the adoption of the amendment, it was decided in the negative—ayes 14, noes 24.

The ayes and noes were demanded by Senators Dawson and Eddy.

*Those who voted in the affirmative were,*

Senators Allen, Brugh, Dawson, Hanna, Hester, Hunt, Kendall, Knowlton, Miller, Odell, Sleeth, Spann, Todd, and Washburn.

*Those who voted in the negative were,*

Senators Athon, Berry, Cravens, Delevan, Dougherty, Eddy, Emerson, Henton, Hickman, Hicks, James, Kinnard, Longshore, Mickle, Milliken, Niblack, Reid, Saffer, Scoby, Secrest, Slack, Teegarden, Winstandley, and Witherow.

Mr. Reid moved to amend as follows:

Amend section 37 by striking out said section from the word "defendant," in the fourth line, and inserting, "that on the settlement of decedents' estates in said court, there shall be charged a fee of 1 per cent. on the first \$500, and  $\frac{1}{2}$  per cent. on all sums over this amount, of personal property proven in said court; and  $\frac{1}{2}$  per cent. on all sums proven therein on the sale of real estate, made by or under the order or decree thereof.

A division of the question being called for, and the President having decided the question divisible,

The first question was, will the Senate strike out?

Which was agreed to.

The question then being, will the Senate insert the proposed amendment?

It was decided in the negative—ayes 12, noes 26.

The ayes and noes were demanded by Senators Reid and Delevan.

*Those who voted in the affirmative were,*

Senators Delevan, Eddy, Emerson, Hicks, Hunt, Kendall, Knowlton, Mickle, Miller, Spann, Teegarden and Washburn.

*Those who voted in the negative were,*

Senators Allen, Athon, Berry, Brugh, Cravens, Dawson, Dougherty, Hanna, Henton, Hester, Hickman, James, Kinnard, Longshore, Milliken, Niblack, Odell, Reid, Saffer, Scoby, Secrest, Slack, Sleeth, Todd, Winstandley and Witherow.

Mr. Reid moved to re-consider the vote just taken.

Mr. Berry moved to lay the motion to re-consider on the table, Which was decided in the affirmative.

Mr. Reid asked leave to change his vote,

Which was granted.

The question being on the adoption of the 10th amendment of the committee, it was adopted.

The 11th amendment of the committee was then concurred in.

The question being, will the Senate adopt the 12th amendment of the committee?

Mr. Slack moved to amend by striking out "800" and inserting "1000."

Which was agreed to.

The amendment as amended was then adopted.

The 13th amendment of the committee was concurred in.

The 14th amendment was adopted.

The 15th amendment was also adopted.

The question being on the adoption of the 16th amendment,

It was decided in the affirmative.

Mr. Dougherty moved to amend as follows:

Amend section eleven by striking out the words "except for slander, libel, breach of marriage contract, action on official bond of any State or county officer, and where the title to real estate shall be in issue."

Mr. Reid moved to lay the amendment on the table;

Which was agreed to.

Mr. Niblack moved to amend as follows:

Amend section 43, in the 1st line, by striking out the words "on penalty of impeachment."

Mr. Slack moved to suspend the order of business;

Which was agreed to.

Mr. Berry offered the following resolution:

*Resolved*, That the Senate proceed, instantler, to elect a President *pro tem.*, in the absence of the President, to continue during that absence.

Which was adopted.

*Those who voted for Hon. S. S. Mickle were,*

Senators Allen, Athon, Berry, Brugh, Cravens, Dawson, Delevan, Dougherty, Eddy, Emerson, Hanna, Henton, Hester, Hickman, Hicks, Hunt, James, Kendall, Kinnard, Knowlton, Longshore, Miller, Miliken, Niblack, Odell, Reid, Saffer, Scoby, Secrest, Slack, Sleeth, Spann, Teegarden, Todd, Washburn, Winstandley, and Witherow.

Hon. S. S. Mickle, having received the votes of a majority of all the Senators elected, was declared duly elected President, *pro tem.*

The consideration of House bill No. 70 was resumed.

The question being on the adoption of the amendment,

It was decided in the affirmative.

Mr. Emerson moved to amend as follows:

Add after the word judge in the third line of the 42d section "for fee or reward."

Mr. Hester moved to lay the amendment on the table.

Which was decided in the affirmative—ayes 23, noes 14.

The ayes and noes were demanded by Senators Emerson and Slack.

*Those who voted in the affirmative were,*

Senators Berry, Brugh, Cravens, Dougherty, Eddy, Hanna, Hester, Hickman, Hunt, Kinnard, Miller, Niblack, Reid, Saffer, Scoby, Secrest, Slack, Sleeth, Spann, Todd, Washburn, Winstandley and Witherow.

*Those who voted in the negative were,*

Senators Allen, Athon, Dawson, Delevan, Emerson, Henton, Hicks, James, Knowlton, Longshore, Mickle, Milliken, Odell, and Saffer.

Mr. Hester moved to amend as follows:

Amend the 42d section, 3d line, by inserting a comma after the word "writing."

Which was adopted.

Mr. Slack moved to amend as follows:

Strike Huntington county from the 36th district and attach it to the 35th district.

Which was adopted.

Mr. Hester moved to amend as follows:

Amend by striking out "cause" in the same line, and inserting "suit."

Which was adopted.

Mr. Dawson moved to amend as follows:

Amend so as to make Noble and Whitley a district, and Kosciusko a district.

Which was adopted.

Mr. Secrest moved the following amendment:

Strike out of the 2d line of the 15th section before the word "affidavit" the word "the," and after the word "affidavit" the words "of any person choosing to make it."

Pending which,

On motion by Mr. Hunt,

The Senate adjourned.

2 o'clock, P. M.

The Senate met.

The consideration of the amendment to House bill No. 70 was resumed.

The question being will the Senate adopt the amendment?

It was decided in the affirmative.

Mr. Slack offered the following amendment :

Attach Kosciusko county to Wabash county.

Which was adopted.

Mr. Hanna offered the following amendment :

Amend section 40 as follows :

Provided, a sum equal to the docket fees thus collected shall be first paid by each county in the district to the judge; and if not sufficient, then the balance shall be appropriated according to the above proposition. And to ascertain the amount collected, the clerk of such court shall quarterly certify such amount to the board of county commissioners.

Which was not adopted.

Mr. Spann moved to re-consider the vote rejecting the amendment; inserting after the word "judge" in the third line of the 42d section the words "for fee or reward."

Which motion did not prevail.

Mr. Spann moved to amend as follows :

Amend by making Bartholomew a district, and Jennings a district.

Which was adopted.

Mr. Emerson moved to amend as follows :

Strike out all after the word "vacation," in section 35.

Which was adopted.

Mr. Cravens offered the following amendment :

Amend by adding the following section :

Sec. —. All proceedings pending in such court touching the settlement of estates of decedents shall be first disposed of at each term, before the trial of any other causes therein.

Which was not agreed to.

Mr. Emerson moved to amend as follows :

Strike out of the 39th section, in the 6th line, the words, "under eighteen thousand," and insert in lieu thereof the word "upwards."

Also, strike out all after the word "dollars," in the 7th line.

Which was decided in the negative; ayes 17, noes 21.

The ayes and noes were demanded by Senators Emerson and Washburn.

*Those who voted in the affirmative were,*

Senators Allen, Athon, Brugh, Dougherty, Emerson, Hanna, Hick-

man, Hicks, Knowlton, Mickle, Miller, Milliken, Odell, Secrest, Spann, Teegarden, and Washburn.

*Those who voted in the negative were,*

Senators Berry, Cravens, Davis, Dawson, Delevan, Eddy, Hatfield, Henton, Hester, Hunt, James, Kendall, Kinnard, Niblack, Odell, Scoby, Slack, Sleeth, Todd, Winstandley and Witherow.

Mr. Hunt moved to amend as follows:

Amend by attaching the county of Grant to the counties of Delaware and Blackford, and the county of Hancock to the county of Madison.

Which was adopted.

The question being, shall the amendment be engrossed, and the bill ordered to a third reading,

It was decided in the affirmative. Ayes 21; noes 16.

The ayes and noes were demanded by Senators Secrest and Niblack.

*Those who voted in the affirmative were,*

Senators Berry, Brugh, Davis, Dawson, Delevan, Eddy, Hester, Hickman, Hicks, Hunt, James, Kendall, Kinnard, Mickle, Reid, Slack, Sleeth, Spann, Todd, Washburn, and Winstandley.

*Those who voted in the negative were,*

Senators Allen, Athon, Cravens, Dougherty, Emerson, Hanna, Hatfield, Knowlton, Miller, Milliken, Niblack, Odell, Scoby, Secrest, Teegarden, and Witherow.

#### ORDERS OF THE DAY.

*Senate bills on third reading.*

No. 125. A bill to provide for the election of a State Printer, and for the public printing, the binding and distribution of the laws, journals and public documents;

Was read a third time.

And the question being, shall the bill pass?

It was decided in the affirmative—ayes 34, noes 2.



*Those who voted in the affirmative were,*

Senators Allen, Athon, Berry, Brugh, Cravens, Davis, Dawson, Delevan, Dougherty, Eddy, Emerson, Hatfield, Henton, Hester, Hickman, Hicks, Hunt, Kendall, Kinnard, Knowlton, Mickle, Miller, Niblack, Odell, Scoby, Secrest, Slack, Sleeth, Spann, Teegarden, Todd, Washburn, Winstandley and Witherow.

Senators Milliken and Reid voted in the negative.

No. 116. A bill establishing general provisions respecting corporations;

Was read a third time and passed—ayes 36, noes 1.

*Those who voted in the affirmative were,*

Senators Allen, Athon, Berry, Brugh, Cravens, Davis, Dawson, Delevan, Dougherty, Eddy, Emerson, Hatfield, Henton, Hester, Hickman, Hunt, James, Kendall, Kinnard, Knowlton, Mickle, Miller, Milliken, Niblack, Odell, Reid, Scoby, Secrest, Slack, Sleeth, Spann, Teegarden, Todd, Washburn, Winstandley, and Witherow.

Senator Hanna voted in the negative.

No. 117. A bill for the incorporation of manufacturing and mining companies, for mechanical, chemical, and building purposes;

Was read a third time.

And the question being, shall the bill pass?

In was decided in the affirmative. Ayes 37; noes none.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Athon, Berry, Brugh, Cravens, Davis, Dawson, Delevan, Dougherty, Eddy, Emerson, Hanna, Hatfield, Henton, Hester, Hickman, Hicks, Hunt, James, Kinnard, Knowlton, Mickle, Miller, Milliken, Niblack, Odell, Reid, Scoby, Secrest, Slack, Sleeth, Teegarden, Todd, Washburn, Winstandley, and Witherow.

No. 118. A bill defining misdemeanors, and prescribing punishment therefor;

Was read a third time and passed. Ayes 33; noes 3.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Athon, Berry, Brugh, Cravens, Dawson, Delevan, Dougherty, Emerson, Hanna, Hatfield, Hester, Hickman, Hicks, Hunt, James, Kinnard, Knowlton, Mickle, Milliken,

Odell, Scoby, Secrest, Slack, Sleeth, Spann, Teegarden, Todd, Washburn, Winstandley, and Witherow.

Senators Henton, Miller, and Niblack, voted in the negative.

No. 119. A bill defining felonies, and prescribing punishment therefor;

Was read a third time.

And the question being, shall the bill pass?

It was decided in the affirmative. Ayes 33; noes 2.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Athon, Berry, Brugh, Cravens, Dawson, Delevan, Dougherty, Emerson, Hanna, Hatfield, Henton, Hestea, Hickman, Hicks, James, Kendall, Kinnard, Knowlton, Mickle, Miller, Milliken, Niblack, Odell, Scoby, Secrest, Slack, Spann, Todd, Washburn, Winstandley, and Witherow.

Senators Hunt and Teegarden voted in the negative.

The following message was received from the House of Representatives, by Mr. Sites, their Clerk:

**MR. PRESIDENT:**

I am directed by the House to inform the Senate that the Speaker has signed the following enrolled bill thereof:

No. 197; which I am directed to bring to the Senate for the signature of the President thereof.

On motion by Mr. Slack,  
The Senate adjourned.

SATURDAY MORNING, }  
 April 24, 1852. }

The Senate met.

The journal of yesterday was read.

Hon. Benjamin Newland, Senator elect from the county of Lawrence in place of Hon. George G. Dunn, resigned, attended, presented his credentials, was sworn as provided by the Constitution, and took his seat.

**PETITIONS, MEMORIALS AND REMONSTRANCES PRESENTED.**

By Mr. Slack:

The petition of citizens of Huntington county, asking the passage of a law providing a uniform mode of doing township business;

Which,

On his motion,

Was referred to the committee on County and Township business.

By Mr. Odell:

The petition of citizens of Tippecanoe county, on the subject of temperance;

Which,

On his motion,

Was referred to the committee on that subject.

By Mr. Scoby:

From the citizens of Rush county, on the subject of temperance;

Which was,

On his motion,

Referred to the committee on that subject.

**REPORTS SUBMITTED.**

By Mr. Allen, from the committee on Public Buildings:

**MR. PRESIDENT:**

The committee on Public Buildings, to whom was referred the accompanying resolution of the House, have had the same under consideration, and directed me to report the same back, and recommend that the Senate concur in the same:

*Resolved*, The Senate concurring, that the Door Keeper of the House forthwith cause a good and efficient lightning rod to be placed on the State House, and the present chain and rod be removed and disposed of by said Door Keeper.

Mr. Emerson moved to amend the resolution by striking out "Door Keeper of the House," and inserting "State Librarian."

Which motion did not prevail.

The resolution was then concurred in.

By Mr. Eddy, from the joint committee on Revision:

MR. PRESIDENT:

The joint committee on Revision to whom was referred the subject, have directed me to report the following bill:

No. 143. A bill for the incorporation of Insurance companies, defining their powers and prescribing duties, and in relation to foreign Insurance companies and their agents.

The accompanying bill was read a first time and passed to a second reading.

#### RESOLUTIONS.

Mr. Cravens offered the following resolution:

*Resolved*, That the Door-keeper of the Senate be authorised to deliver to the order of the trustees of the Indiana University two hundred and fifty copies of the recent report made to the General Assembly by said Institution.

Which was adopted.

#### ORDERS OF THE DAY.

*Senate Bills on their Third Reading.*

No. 123. A bill providing for an organization of circuit courts, the election of Judges thereof, and defining their powers and duties.

Was upon its third reading; when,

On motion by Mr. Hester,

It was laid on the table.

Mr. Alexander moved a call of the Senate;

Which was ordered.

Upon calling the roll the following Senators were absent—

Messrs. Defrees, Goodman, Holloway, Logan, Longshore, Marshall, Walker and Woods.

On motion by Mr. Reid,  
The further call was suspended.

House bill No. 70. A bill establishing courts of Common Pleas, and defining the jurisdiction and duties, and providing compensation for the judges thereof.

Was read a third time.

When,

On motion by Mr. Reid,

The Senate resolved itself into committee of the whole upon said bill.

After considerable time spent in the consideration thereof,

On motion by Mr. Reid,

The committee rose ;

Whereupon,

Mr. Emerson, from the committee of the Whole, submitted the following report:

MR. PRESIDENT :

The committee of the Whole to whom was referred House bill No. 70, have had the same under consideration, made sundry amendments thereto, report the same back and ask to be discharged from the further consideration thereof:

1st. Amendment to section 39:

*Provided*, That in all districts composed of only one county the salary of the said Judge shall not exceed six hundred dollars.

2nd. The business before said court shall be docketed and disposed of in the following order to-wit: 1st, the criminal business, 2nd, the business connected with the administration and settlement of estates; the probate of wills and of guardianship; 3rd, other business in said court.

The question being on the adoption of the first amendment,

Mr. Milliken moved to amend as follows:

Add between the words "one" and "county" the words "or two."

Which was decided in the negative—ayes 19, noes 21.

The ayes and noes were demanded by Senators Milliken and Alexander.

*Those who voted in the affirmative were,*

Senators Berry, Brugh, Davis, Eddy, Hanna, Henton, Hickman, Hicks, James, Kendall, Kinnard, Niblack, Reid, Secrest, Slack, Sleeth, Todd, Turman, and Witherow.

*Those who voted in the negative were,*

Senators Alexander, Allen, Athon, Cravens, Dawson, Delevan, Dougherty, Emerson, Hatfield, Knowlton, Mickle, Miller, Milliken, Newland, Odell, Saffer, Scoby, Spann, Teegarden, Washburn, and Winstandley.

The question then being on the adoption of the first amendment of the committee to section 39,

It was decided in the affirmative—ayes 22, noes 17.

The ayes and noes were demanded by Senators Milliken and Washburn.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Athon, Brugh, Cravens, Dawson, Delevan, Dougherty, Emerson, Hatfield, Knowlton, Mickle, Miller, Milliken, Newland, Odell, Saffer, Scoby, Spann, Teegarden, Washburn, and Winstandley.

*Those who voted in the negative were,*

Senators Berry, Davis, Eddy, Henton, Hickman, Hicks, James, Kendall, Kinnard, Niblack, Reid, Secrest, Slack, Sleeth, Todd, Turman, and Witherow.

The question being, will the Senate adopt the 2d amendment of the committee?

It was decided in the affirmative.

Mr. Eddy moved to recommit the bill to a select committee of one from each Congressional district;

Which was not agreed to.

Mr. Reid moved a call of the Senate;

Which motion did not prevail.

The question being shall the bill pass?

It was decided in the affirmative—ayes 26, noes 15.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Athon, Brugh, Davis, Dawson, Delevan, Eddy, Hatfield, Henton, Hickman, Hicks, Hunt, James, Kendall, Kinnard, Knowlton, Mickle, Odell, Reid, Saffer, Slack, Sleeth, Todd, Washburn, and Winstandley.

*Those who voted in the negative were,*

Senators Berry, Cravens, Dougherty, Emerson, Hanna, Miller,

Milliken, Newland, Niblack, Scoby, Secrest, Spann, Teegarden, Turman, and Witherow.

Mr. Slack offered the following resolution :

*Resolved*, That when the Senate adjourns, it will adjourn to meet on Monday morning at half past eight o'clock.

Which was not adopted—ayes 7, noes 34.

The ayes and noes were demanded by Senators Milliken and Miller.

*Those who voted in the affirmative were,*

Senators Athon, Davis, Dawson, Eddy, Hunt, Kendall and Spann.

*Those who voted in the negative were,*

Senators Alexander, Allen, Berry, Brugh, Cravens, Delevan, Dougherty, Emerson, Hanna, Hatfield, Henton, Hickman, Hicks, James, Kinnard, Knowlton, Mickle, Miller, Milliken, Newland, Niblack, Odell, Reid, Saffer, Scoby, Secrest, Slack, Sleeth, Teegarden, Todd, Turman, Washburn, Winstandley, and Witherow.

On motion by Mr. Teegarden,  
The Senate adjourned.

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2 o'clock, P. M.

Senate met.

#### SENATE BILLS ON THEIR THIRD READING.

No. 120. A bill prescribing who may make a will, the effect thereof, what may be devised, regulating the revocation, admission to probate and contest thereof;

Was read a third time, when

Mr. Emerson moved to amend by striking out the words "*per autre vie*" wherever they occur and inserting in lieu thereof the words "for the life of another."

Which was unanimously agreed to.

The question then being, shall the bill pass?

It was decided in the affirmative—ayes 35, noes 1.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Athon, Berry, Brugh, Cravens, Davis, Delevan, Eddy, Emerson, Hanna, Hatfield, Henton, Hester, Hickman, Hicks, James, Kinnard, Knowlton, Mickle, Miller, Milliken, Newland, Niblack, Reid, Saffer, Scoby, Secrest, Slack, Spann, Teegarden, Todd, Turman, Washburn and Witherow.

Senator Winstandley voted in the negative.

Mr. Emerson moved to take from the table,

Senate bill No. 123. A bill providing for an organization of circuit courts, the election of judges thereof, and defining their powers and duties;

Which was agreed to, when

Mr. Emerson moved to amend section 5, by striking out "five hundred" and inserting "one thousand dollars."

Which was agreed to.

Mr. Emerson moved to strike out the word "nine" and insert the word "ten" in the second section.

Which was decided in the affirmative—ayes 23, noes 12.

The ayes and noes were demanded by Senators Emerson and Reid.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Athon, Brugh, Cravens, Delevan, Emerson, Hanna, Henton, Hester, James, Kinnard, Mickle, Newland, Niblack, Saffer, Secrest, Slack, Spann, Todd, Turman, Winstandley and Witherow.

*Those who voted in the negative were,*

Senators Berry, Eddy, Hatfield, Hickman, Hicks, Knowlton, Miller, Milliken, Reid, Scoby, Sleeth and Teegarden.

Mr. Emerson moved to amend by inserting the words "not exceeding five dollars per day."

Which was agreed to.

Mr. Slack moved to amend as follows:

At the end of the section add the following:

*Provided*, That the parties at their election, may have the cause certified to some convenient county out of the circuit.

Which was not adopted.



Mr. Berry moved to amend as follows:

Insert after the word "judge," in the 5th line the words "if either party in such trial object to such judge presiding therein."

Which was adopted.

Mr. Slack moved to amend as follows:

Strike out of the 4th and 5th lines, the words "or any attorney thereof."

Mr. Saffer moved to amend the amendment as follows:

Insert after the words "attorney thereof," the following: "who shall have been a regular practicing attorney for ten years, and having arrived at the age of thirty-five years."

Which was not adopted.

The question recurring on the adoption of the amendment,

It was decided in the negative.

Mr. Hester moved to amend as follows:

Amend by adding after the word "the" in the 13th line of the 4th section, the following: "annual compensation of such judge, upon a certificate of the number of days served by such appointee, signed and attested by the clerk of such court, being presented to the Auditor of State, who shall issue his warrant to the Treasurer of State for the amount due."

Which was adopted.

Mr. Secrest moved to amend as follows:

"Or when he shall be unable to make such appointment, or in his absence the clerk and sheriff of such county."

Mr. Saffer moved to amend the amendment as follows:

Insert after the word "sheriff," the words "and auditor."

Which was adopted.

The question being on the adoption of the amendment as amended,

It was decided in the affirmative.

Mr. Hester moved to amend as follows:

Add to section 27, "unless a judge *pro tempore* has been appointed as herein provided."

Which was adopted.

Mr. Emerson moved to suspend the rules and read the bill a third time now;

Which was agreed to, and the bill read a third time.

And the question then being shall the bill pass?

It was decided in the affirmative—ayes 32, noes 4.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Athon, Brugh, Cravens, Dawson, Delevan, Eddy, Emerson, Hatfield, Henton, Hester, Hickman, Hicks, James, Kinnard, Knowlton, Mickle, Miller, Milliken, Newland, Niblack, Odell, Reid, Saffer, Scoby, Secrest, Sleeth, Todd, Turman, Washburn, and Witherow.

*Those who voted in the negative were,*

Senators Berry, Hanna, Slack, and Winstandley.

On motion by Mr. Scoby,  
The Senate adjourned.

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MONDAY MORNING, }  
April 26th, 1852. }

Senate met.

The journal of Saturday was read.

**PETITIONS, MEMORIALS AND REMONSTRANCES PRESENTED.**

By Mr. Athon:

The memorial of Bartlet Baker, in reference to vending books without license.

Which,

On motion,

Was referred to the committee on the Judiciary.

By Mr. Scoby:

The petition of 300 citizens of the county of Decatur on the subject of temperance.

Which,

On motion,

Was referred to the committee on Temperance.

**RESOLUTIONS OFFERED.**

By Mr. Emerson:

*Resolved*, That the Secretary of State be requested to inform the Senate, whether the Madison and Indianapolis Rail Road Company have signified their acceptance of the provisions of an act, entitled "an act to enable the Madison and Indianapolis Rail Road Company to avoid the inclined plane at Madison, to provide for the sale of the

interest of the State in said road, and to repeal, so far as affects Madison and Indianapolis Rail Road Company, the 55th and 58th sections of an act entitled "an act, &c."

Which was adopted.

By Mr. Reid:

*Resolved*, That the State Printer be instructed to furnish the Assistant Secretary of the Senate with proof sheets of the Journal of this House, during the session for correction and revision.

Which was adopted.

By Mr. Miller:

*Resolved*, That the committee on the Judiciary be instructed to enquire whether, under the laws of the State, lands selected for the Wabash and Erie Canal are taxable under five years after their purchase by individuals, and whether, under the compact entered into between this State and the General Government such taxation before the expiration of five years would be legal.

Which was adopted.

By Mr. Emerson:

*Resolved*, That the committee on Revision, on the part of the Senate, be requested to superintend the arrangement of all amendments made to bills originating in the Senate; and also to superintend the arrangement and engrossment of all amendments made in the Senate to bills originating in the House of Representatives.

Which was adopted.

Mr. Secrest introduced

No. 144. A joint resolution in relation to the Indiana Normal University for the Education of Females;

Which was read a first time and passed to a second reading.

#### ORDERS OF THE DAY.

#### *Senate Bills on their Third Reading.*

No. 121. A bill for the incorporation of high schools, academies, colleges, universities, philosophical institutions and missionary boards;  
Was read a third time and passed—ayes 42, noes 0.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Athon, Berry, Brugh, Cravens, Davis, Dawson, Delevan, Dougherty, Eddy, Emerson, Hanna, Hatfield, Henton, Hester, Hickman, Hicks, James, Kendall, Kinnard, Knowlton

Longshore, Mickle, Milliken, Newland, Niblack, Odell, Reid, Saffer, Scoby, Secrest, Slack, Sleeth, Spann, Teegarden, Todd, Turman, Walker, Washburn, Winstandley, and Witherow.

No. 122. A bill to organize a supreme court, and prescribing certain duties of the judges thereof;

Was read a third time.

And the question being, shall the bill pass?

It was decided in the affirmative—ayes 40, noes 1.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Athon, Berry, Brugh, Cravens, Davis, Dawson, Delevan, Dougherty, Eddy, Emerson, Henton, Hester, Hickman, Hicks, James, Kendall, Kinnard, Knowlton, Longshore, Mickle, Miller, Newland, Niblack, Odell, Reid, Saffer, Scoby, Secrest, Slack, Sleeth, Spann, Teegarden, Todd, Turman, Walker, Washburn, Winstandley, and Witherow.

Senator Hatfield voted in the negative.

#### SENATE BILLS ON THEIR SECOND READING.

No. 124. A bill to establish and regulate ferries;

Was read a second time, and ordered to be engrossed.

When,

On motion by Mr. Niblack,

The vote ordering the engrossment was reconsidered.

Mr. Niblack moved to lay the bill on the table;

Which was agreed to.

No. 126. A bill to authorize the formation of voluntary associations;

Was read a second time, and ordered to be engrossed.

No. 127. A bill for the establishment and regulation of county libraries;

Was read a second time.

And the question being, shall the bill be engrossed for a third reading?

It was decided in the affirmative.

No. 128. A bill providing for the election and prescribing certain duties of the clerk of the supreme court;

Was read a second time, and ordered to be engrossed for a third reading.

No. 129. A bill providing for the election and prescribing certain duties of county surveyors;

Was read a second time, when

Mr. Secrest moved to amend by striking out the word "conclusive" in section 10, and inserting "prima facie."

Which was agreed to.

Mr. Dawson moved to strike out all that portion of the bill providing for notice to non-residents;

Which motion did not prevail.

The question being, shall the bill be engrossed for a third reading?

It was decided in the affirmative.

No. 130. A bill providing for the appointment and prescribing the duties and liabilities of deputies of certain officers;

Was read a second time and ordered to be engrossed for a third reading.

No. 131. A bill touching townships and the boundaries thereof;

Was read a second time and ordered to be engrossed for a third reading.

No. 132. A bill prescribing the manner of compelling officers to give new bonds and additional sureties;

Was read a second time, when

Mr. Emerson moved to recommit the bill to the committee on Revision.

Which was agreed to.

On motion by Mr. Hester,

The order of business was suspended.

Mr. Hester, from the joint committee on Revision, submitted the following report:

MR. PRESIDENT:

The joint committee on Revision to whom was referred Senate bill No. 23, "an act providing for the election of township officers in civil townships in the several counties in this State, prescribing the mode of doing township business and the duties of the township officers thereof, with some of the duties of county auditors and treasurers," have had the same under consideration and have instructed me to report the same back for the action of the Senate.

The accompanying bill was read a third time, when

Mr. Emerson moved a call of the Senate.

Which was ordered, when,

On calling the roll the following Senators were reported absent:

Messrs. Defrees, Goodman, Holloway, Logan, Longshore, Marshall and Woods.

On motion by Mr. Eddy,  
 Mr. Defrees was excused.  
 Mr. Miller moved to excuse Mr. Goodman on account of sickness  
 in his family.  
 Which was agreed to.  
 Mr. Saffier moved to excuse Mr. Holloway.  
 Which motion prevailed.  
 Mr. Emerson moved to excuse all other absent Senators.  
 Which was not agreed to.  
 On motion by Mr. Sleeth,  
 The call was suspended.  
 The question then being, shall the bill pass?  
 It was decided in the negative. Ayes 17; noes 26.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Brugh, Dawson, Delevan, Eddy, Henton, Kinnard, Knowlton, Mickle, Milliken, Saffier, Slack, Spann, Teegarden, Walker, and Washburn.

*Those who voted in the negative were,*

Senators Athon Berry, Cravens, Davis, Dougherty, Emerson, Hanna, Hatfield, Hester, Hickman, Hicks, Hunt, James, Kendall, Miller, Newland, Niblack, Odell, Reid, Scoby, Secrest, Sleeth, Todd, Turman, Winstandley, and Witherow.

The President laid before the Senate the following communication from the Secretary of State.

INDIANAPOLIS, April 26, 1852.

HON. S. S. MICKLE,

*President of the Senate:*

You will please lay the enclosed communication before the honorable body over which you preside.

Very respectfully,

CHARLES H. TEST,

*Secretary of State.*

OFFICE OF SECRETARY OF STATE, }  
 INDIANAPOLIS, APRIL 26, 1852. }

*To the Senate of Indiana:*

GENTLEMEN:—In answer to a resolution just received from your honorable body, the undersigned states that, on the fifth day of March, 1852, the "Madison and Indianapolis Railroad company" by the hands of their Secretary, filed in this office a document of which the following is a true copy, viz:

MADISON, Thursday, March 4th, 1852.

At a meeting of the Board of Directors of the Madison and Indianapolis Railroad company, held at Madison this day, it was resolved unanimously, that the Madison and Indianapolis Railroad company hereby accepts the provisions of an act of the General Assembly of the State of Indiana, entitled "an act to enable the Madison and Indianapolis Railroad company to avoid the inclined plane at Madison, to provide for the sale of the interest of the State in said Railroad and to repeal, so far as affects the Madison and Indianapolis Railroad company, the 55th and 58th sections of the act entitled "an act for the continuance and construction of all or any part of the public works of this State by private companies, and for abolishing the Board of Internal Improvements and the offices of fund commissioner and chief engineer, approved January 28, 1842, said act approved February 28th, 1852.

Ordered, that the Secretary be directed to file a copy of the foregoing resolution, duly attested by the seal of the company, with the Secretary of State.

I certify the foregoing to be a true copy of the record.

W. N. JACKSON, *Sec'y.*

All of which is respectfully submitted:

CHARLES H. TEST, *Sec'y. of State.*

Which,

On motion by Mr. Emerson,

Was laid on the table.

The President announced that he had appointed Mr. Newland a member of the following committees: Elections, Finance, Benevolent Institutions of the State and Banks.

Mr. Hester, from the joint committee on Revision submitted the following report:

MR. PRESIDENT:

The joint committee on Revision, to whom was referred House bill No. 27, "an act for the more uniform mode of doing township

business," have had the same under consideration, and a majority of them have direct me to report it back and recommend that it be laid on the table.

Which was concurred in.

**No. 133.** A bill to enable trustees to receive lands and donations and convey the same for the use of schools, religious societies, masonic and odd fellows lodges, sons and daughters of temperance, and for the construction of cemeteries, houses of worship or other buildings therein mentioned.

Was read a second time, and ordered to be engrossed for a third reading.

**No. 134.** A bill to provide for the appointment of a Sheriff of the Supreme Court and prescribing certain of his duties and fees.

Was read a second time,

When,

Mr. Emerson moved to strike out the "first Monday in December, 1852," and insert the "second Monday in January, 1853."

Which was agreed to.

Mr. Emerson offered the following amendment:

Add at the end of the 9th line of the 5th section after the word "mileage," the words "and one-half of the fees for service." Also insert after the word "and" in the 10th line of the same section the words, "the remaining half of."

Which was adopted.

The bill as amended was then ordered to be engrossed for a third reading.

**No. 135.** A bill to regulate the tolls of grist mills and prescribing certain duties of millers,

Was read a second time; when

Mr. Milliken moved to strike out "one-eighth" in the first section, and insert "one-tenth."

Mr. Niblack moved to lay the amendment on the table;

Which was decided in the affirmative—ayes 32, noes 7.

The ayes and noes, were demanded by Senators Milliken and Teegarden.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Brugh, Cravens, Dawson, Delevan, Dougherty, Emerson, Hanna, Henton, Hester, Hickman, Hicks, Hunt, James, Kendall, Kinnard, Knowlton, Miller, Newland, Niblack, Reid, Saffer, Scoby, Secrest, Slack, Spann, Teegarden, Todd, Turman, Walker, and Witherow.



*Those who voted in the negative were,*

Senators Athon, Berry, Mickle, Milliken, Odell, Washburn, and Winstandley.

Mr. Dawson moved to amend as follows:

Add the following section :

SEC. —. That whenever two or more grist mills propelled by water, are situated on any stream within two miles of each other, the owner or occupant of the upper mill shall not be allowed to retain or dam the water of the creek or stream on which the same are situated, to the injury of the owner or occupant of the lower mill, nor shall be allowed to prohibit the free flowage of said creek or stream at one time for any term of time longer than twenty-four hours.

Which was not adopted.

Mr. Hicks moved the following amendment:

Insert after the word "thereof," in the seventh line of section 3, these words: "the same being in bags or sacks containing a reasonable quantity in each.

Which was adopted.

Mr. Hester moved to reconsider the vote on the adoption of the amendment;

Which was agreed to.

The question then being on the adoption of the amendment,

It was decided in the negative—ayes 16, noes 23.

The ayes and noes were demanded by Senators Reid and Hicks.

*Those who voted in the affirmative were,*

Senators Brugh, Dawson, Dougherty, Hicks, Kendall, Kinnard, Knowlton, Mickle, Miller, Newland, Niblack, Reid, Saffer, Scoby, Todd, and Washburn.

*Those who voted in the negative were,*

Senators Alexander, Allen, Athon, Berry, Cravens, Delevan, Eddy, Emerson, Hanna, Hatfield, Henton, Hester, Hickman, Hunt, James, Milliken, Odell, Secrest, Slack, Turman, Walker, Winstandley, and Witherow.

On motion by Mr. Reid,

The Senate adjourned.

2 o'clock, P. M.

The Senate met.

The following message was received from the House of Representatives, by Mr. Sites, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill of the Senate:

No. 79, entitled "A bill to provide for the appointment of a commissioner to superintend the fencing of the Tippecanoe Battle Ground,"

Without amendment.

The consideration of Senate bill No. 135, pending at adjournment, was resumed, when

The bill was ordered to be engrossed.

No. 136. A bill transferring the duties of county agent to county auditors;

Was read a second time and ordered to be engrossed for a third reading.

No. 137. A bill to provide for the appointment and compensation of an Attorney for the State in the supreme court;

Was read a second time.

And the question being, shall the bill be engrossed for a third reading?

It was decided in the affirmative.

No. 138. A bill providing for the election of clerks of the circuit court, and prescribing some of their duties;

Was read a second time and ordered to be engrossed.

No. 139. A bill to provide for the election of county sheriffs, and prescribing some of their duties;

Was read a second time and ordered to be engrossed.

No. 140. A bill providing for the election, prescribing the duties, and fixing the compensation of State Agent;

Was read a second time and ordered to be engrossed.

No. 141. A bill to provide for the election, and prescribing certain duties of recorders;

Was read a second time and ordered to be engrossed.

No. 142. A bill to organize the militia, providing for the appointment, and prescribing the duties of certain officers thereof;

Was upon its second reading; when,

On motion by Mr. Secrest,

It was referred to the committee on Military Affairs.

No. 143. A bill for the incorporation of insurance companies, defining their powers, and prescribing their duties, and in relation to foreign insurance companies, and their agents;

Was read a second time; when,

On motion by Mr. Eddy,

It was laid upon the table.

Message from the House of Representatives, by the Mr. Sites, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has concurred in the engrossed amendments of the Senate to House bill

No. 79, "An act authorizing the construction of plank, McAdamized, and gravel roads;

With sundry amendments thereto, in which the concurrence of the Senate is respectfully requested.

Mr. Berry moved to refer the accompanying bill to the committee on Revision;

Which was agreed to.

Message from the House of Representatives, by Mr. Sites, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following joint resolution thereof:

No. 27. A joint resolution relative to bounty lands;

In which the concurrence of the Senate is respectfully requested.

The accompanying joint resolution was read a first time, and passed to a second reading.

Message from the House of Representatives, by Mr. Sites, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill of the Senate:

No. 70, entitled "A bill providing for the colonization of negroes and mulattoes, and their descendants, constituting a State Board of Colonization, declaring the duties of said board, and State Treasurer, and county treasurers in relation thereto,"

With one engrossed amendment, in which the concurrence of the Senate is respectfully requested.

Which was concurred in.

#### REPORTS SUBMITTED.

By Mr. Hester, from the joint committee on Revision :

MR. PRESIDENT:

The joint committee on Revision, to whom was referred the subject have instructed me to report a bill "to provide for electing electors for President and Vice President of the United States;" and to recommend its passage.

The accompanying bill was read a first time and passed to a second reading.

By Mr. Hester from the same committee :

MR. PRESIDENT:

The joint committee on Revision, to whom was referred Senate Bill No. 45, entitled "a bill to organize the Circuit Court and defining its powers and jurisdiction," have had the same under consideration, and have directed me to report the same back, and to recommend it to be laid on the table, and they ask to be discharged from the further consideration thereof.

Which was concurred in.

By Mr. Hester, from the same committee :

MR. PRESIDENT:

The joint committee on Revision, to whom the subject was referred, have had the same under consideration, and instructed me to report the following bill, "to provide for the election and compensation of prosecuting attorneys, and their deputies, and prescribing certain of their duties;" and recommend its passage.

The accompanying bill was read a first time and passed to a second reading.

By Mr. Hester, from the same committee :

MR. PRESIDENT :

The joint committee on Revision, to whom was referred the subject, have instructed me to report a bill "prescribing the manner of empanneling petit jurors, the number and compensation thereof," and to recommend its passage.

The accompanying bill was read a first time and passed to a second reading.

By Mr. Hester from the same committee :

MR. PRESIDENT :

The joint committee on Revision to whom was referred the subject, have instructed me to report a bill "touching the laying out and vacation of towns, streets, alleys, and public grounds, and the making out and recording plats of such towns," and to recommend its passage.

The accompanying bill was read a first time and passed to a second reading.

Message from the House of Representatives, by Mr. Sites, their Clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has adopted the following resolutions :

*Resolved*, That this House has received with profound regret the information of the decease of the Hon. Bradford Glazebrook, member from the county of Putnam ;

That this House deeply sympathizes with the bereaved widow and family of the deceased, under this severe affliction, and tenders to them the expression of its sincere condolence ;

That the members of this House, in token of respect for the memory of the deceased, will wear the usual badge of mourning for thirty days ;

That a copy of these resolutions be transmitted by the Clerk to the widow of the deceased.

*And further Resolved*, In additional token of respect for the memory of our deceased fellow member, that this House do now adjourn.

*Resolved*, That the Senate be respectfully requested to concur in the foregoing resolutions.

After a few appropriate remarks,  
 Mr. Secrest moved to concur in the resolutions;  
 Which being agreed to.  
 The Senate adjourned.

TUESDAY MORNING, 8 o'clock, }  
 April 27th, 1852. }

The Senate met.

The Journal of yesterday was read.

PETITIONS, MEMORIALS AND REMONSTRANCES PRESENTED.

By Mr. Hunt:

From sundry citizens of the State, on the subject of temperance;  
 Which,

On his motion,

Was referred to the committee on that subject.

By Mr. Niblack:

From citizens of Daviess county asking the repeal of an act entitled, "an act for the relief of Michael Grannin, jr., late of Daviess county," approved February 15, 1851;

Which was,

On his motion,

Referred to a select committee of three.

Messrs. Niblack Alexander and Davis were appointed said committee.

By Mr. Delevan;

From sundry citizens of the State on the subject of temperance;  
 Which,

On his motion,

Was referred to the committee on Temperance.

Mr. Slack moved to take from the table a petition presented by

himself relative to repealing the act incorporating the town of Huntington ;

Which was agreed to.

When,

On his motion,

It was referred to a select committee.

Messrs. Slack, James and Witherow were appointed said committee

#### ORDERS OF THE DAY.

##### *Senate bills on their third reading.*

No. 126. A bill to authorize the formation of voluntary associations ;

Was read a third time and passed—ayes 40, noes 1.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Athon, Berry, Brugh, Davis, Dawson, Delevan, Dougherty, Eddy, Emerson, Hatfield, Hester, Hickman, Hicks, Holloway, Hunt, James, Kendall, Kinnard, Knowlton, Mickle, Miller, Milliken, Newland, Niblack, Odell, Reid, Saffer, Scoby, Secrest, Slack, Sleeth, Spann, Teegarden, Todd, Walker, Washburn, Winstandley and Witherow.

Senator Hanna voted in the negative.

No. 127. A bill for the establishment and regulation of county libraries ;

Was read a third time, and

On motion by Mr. Eddy,

Laid on the table.

No. 128. A bill providing for the election and prescribing certain duties of the clerk of the supreme court ;

Was read a third time ;

And the question being, shall the bill pass ?

It was decided in the affirmative—ayes 40, noes none.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Athon, Berry, Brugh, Davis, Dawson, Delevan, Dougherty, Eddy, Emerson, Hatfield, Hester, Hickman, Hicks, Holloway, Hunt, James, Kendall, Kinnard, Knowlton, Mickle, Miller, Milliken, Newland, Niblack, Odell, Reid, Saffer, Scoby, Se-

crest Slack, Spann, Teegarden, Todd, Turman, Walker, Washburn, Winstandley, and Witherow.

No. 129. A bill providing for the election and prescribing certain duties of county surveyor ;

Was read a third time and passed—ayes 38, noes 1.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Athon, Berry, Brugh, Cravens, Delevan, Dougherty, Eddy, Emerson, Hatfield, Hester, Hickman, Hicks, Holloway, Hunt, James, Kendall, Kinnard, Knowlton, Mickle, Miller, Milliken, Niblack, Odell, Reid, Saffer, Scoby, Secrest, Slack, Sleeth, Spann, Teegarden, Todd, Turman, Walker, Washburn and Witherow.

Senator Winstandley voted in the negative.

No. 130. A bill providing for the appointment and prescribing the duties and liabilities of deputies of certain officers ;

Was read a third time and passed—ayes 41, noes none.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Athon, Berry, Brugh, Cravens, Davis, Dawson, Delevan, Dougherty Eddy, Emerson, Hatfield, Henton, Hester, Hickman, Hicks, Holloway, Hunt, James, Kendall, Kinnard, Knowlton, Mickle, Miller, Milliken, Niblack, Odell, Reid, Scoby, Secrest, Slack, Sleeth, Spann, Teegarden, Todd, Turman, Walker, Washburn, Winstandley and Witherow.

No. 131. A bill touching township and the boundaries thereof.

Was read a third time, and passed. Ayes 38; noes 1.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Berry, Brugh, Davis, Dawson, Delevan, Dougherty, Eddy, Emerson, Hatfield, Henton, Hester, Hickman, Holloway, Hunt, James, Kendall, Kinnard, Knowlton, Mickle, Miller, Niblack, Milliken, Odell, Reid, Scoby, Secrest, Slack, Sleeth, Spann, Teegarden, Todd, Turman, Walker, Washburn, Winstandley and Witherow.

Senator Hicks, voted in the negative.

No. 133. A bill to enable trustees to receive lands and donations and convey the same for the use of schools, churches, religious soci-



eties, masonic and odd fellows lodges, sons and daughters of temperance, and for the construction of cemeteries, houses of worship or other buildings therein mentioned.

Was read the third time, and passed. Ayes 38; noes 1.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Athon, Brugh, Cravens, Dawson, Delevan, Eddy, Emerson, Hatfield, Henton, Hester, Hickman, Hicks, Holloway, Hunt, James, Kendall, Kinnard, Knowlton, Mickle, Miller, Milliken, Newland, Odell, Reid, Saffer, Scoby, Secrest, Slack, Sleeth, Spann, Teegarden, Todd, Turman, Walker, Washburn and Witherow.

Senator Dougherty voted in the negative.

No. 134. A bill to provide for the appointment of Sheriff of the Supreme court, and prescribing certain of his duties, and fees.

Was read a third time,

When,

Mr. Slack moved to refer the bill to a select committee.

Which was not agreed to.

The question being, shall the bill pass?

It was decided in the affirmative. Ayes 30; noes 14.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Berry, Cravens, Davis, Dawson, Delevan, Eddy, Emerson, Hanna, Henton, Hester, Hickman, Hicks, Holloway, Hunt, Kendall, Miller, Milliken, Newland, Niblack, Reid, Secrest, Sleeth, Teegarden, Todd, Turman, Walker, Washburn and Winsteadley.

*Those who voted in the negative were,*

Senators Athon, Brugh, Dougherty, Hatfield, James, Kinnard, Knowlton, Mickle, Odell, Saffer, Scoby, Slack, Spann and Witherow.

No. 135. A bill to regulate the toll of grist mills and prescribing certain duties of millers,

Was read a third time and passed—ayes 41, noes 2.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Athon, Berry, Brugh, Cravens, Dawson, Delevan, Dougherty, Eddy, Emerson, Hanna, Hatfield, Henton,

Hester, Hickman, Hicks, Holloway, Hunt, James, Kendall, Kinnard, Knowlton, Miller, Milliken, Newland, Niblack, Odell, Reid, Saffer, Scoby, Secrest, Slack, Sleeth, Spann, Teegarden, Todd, Walker, Washburn, Winstandley, and Witherow.

Senators Davis and Mickle voted in the negative.

Mr. Eddy moved to take from the table

No. 127. A bill for the establishment and regulation of county libraries.

Which motion prevailed.

Mr. Eddy moved to amend the bill as follows:

Strike out of the 8th line of the 2d section the words "the recorder shall," and insert "and shall appoint one of their number or other person to." Also strike out of the 9th line the word "and" and insert the word "who."

Which was unanimously agreed to.

The question then being, shall the bill pass?

It was decided in the affirmative—ayes 36, noes 3.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Athon, Berry, Brugh, Davis, Delevan, Dougherty, Eddy, Emerson, Hanna, Hatfield, Henton, Hester, Hickman, Hicks, Hunt, James, Kendall, Kinnard, Knowlton, Mickle, Miller, Milliken, Newland, Niblack, Odell, Reid, Scoby, Secrest, Slack, Spann, Todd, Walker, Washburn, and Witherow.

Senators Cravens, Teegarden and Winstandley voted in the negative.

Mr. Niblack moved to take from the table Senate bill No. 124;

Which motion prevailed.

Whereupon he moved to amend as follows:

Strike out section 2 and insert the following:

Section 2. Whenever any river or creek shall be the boundary line between two counties, and any person holding lands on either side of said river or creek, shall wish to have a public ferry across the same, he shall apply to the board of county commissioners for the county in which his lands lie, who are hereby authorized to establish such ferry, from the land of such applicant to the opposite side, and in such a certified copy of the order establishing such ferry shall be transmitted to the auditor of the county on such opposite side, at the expense of such applicant, and thereupon each county may assess a tax upon such ferry as in other cases.

Which motion prevailed.

The question then being, shall the bill, as amended, be engrossed for a third reading?

It was decided in the affirmative.

No. 136. A bill transferring the duties of county agent to county auditor,

Was read a third time; and

The question being, shall the bill pass?

It was decided in the affirmative—ayes 40, noes 1.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Athon, Berry, Brugh, Cravens, Delevan, Dougherty, Eddy, Emerson, Hanna, Hatfield, Henton, Hester, Hickman, Hicks, Holloway, Hunt, James, Kendall, Kinnard, Knowlton, Mickle, Milliken, Newland, Niblack, Odell, Reid, Saffer, Scoby, Secrest, Slack Sleeth, Spann, Teegarden, Todd, Walker, Washburn, Winstandley, and Witherow.

Senator Dawson voted in the negative.

No. 137. A bill to provide for the appointment and compensation of an attorney for the State in the Supreme Court,

Was read a third time, and

The question being, shall the bill pass?

It was decided in the affirmative—ayes 35, noes 4.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Athon, Berry, Brugh, Cravens, Delevan, Eddy, Emerson, Hanna, Hatfield, Henton, Hester, Hickman, Hicks, Holloway, Hunt, Kendall, Kinnard, Knowlton, Mickle, Miller, Milliken, Newland, Odell, Reid, Saffer, Secrest, Spann, Todd, Turman, Walker, Washburn, Winstandley, and Witherow.

*Those who voted in the negative were,*

Senators Dougherty, Niblack, Scoby, and Slack.

No. 139. A bill to provide for the election of county sheriffs, and prescribing some of their duties;

Was read a third time, and passed—ayes 37, noes 0.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Athon, Berry, Brugh, Dawson, Dele-

van, Dougherty, Eddy, Emerson, Hatfield, Henton, Hester, Hickman, Hicks, Holloway, Hunt, James, Kendall, Knowlton, Mickle, Miller, Milliken, Newland, Niblack, Odell, Saffer, Scoby, Secrest, Slack, Spann, Todd, Turman, Walker, Washburn, Winstandley, and Witherow.

No. 140. A bill providing for the election, prescribing the duties, and fixing the compensation of State Agent;

Was read a third time and passed—ayes 28, noes 10.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Berry, Brugh, Cravens, Dawson, Delevan, Dougherty, Eddy, Emerson, Hatfield, Henton, Hester, Hickman, Hicks, Hunt, Kendall, Kinnard, Milliken, Newland, Niblack, Secrest, Spann, Todd, Turman, Walker, Washburn, and Witherow.

*Those who voted in the negative were,*

Senators Athon, Holloway, James, Knowlton, Mickle, Miller, Odell, Saffer, Scoby, and Slack.

Mr. Hester moved to suspend the order of business;

Which was agreed to, when

Mr. Hester, from the joint committee on Revision, submitted the following report:

**MR. PRESIDENT:**

The committee on Revision, to whom was referred Senate bill No. 132, "a bill prescribing the manner of compelling officers to give new bonds and additional sureties," have had the same under consideration, and have directed me to report the same back, with the accompanying amendments, and when so amended recommend its passage:

1. In section 1, 11th line add after the word "term" the words "or other sufficient cause."

2. Add the following section:

SEC. 14. Any officer required to execute a bond as provided herein, in consequence of the insufficiency of the sureties, may procure other sureties to sign the old bond, at the time set for the hearing of such petition, and if such judge shall deem such new sureties sufficient, no new bond shall be required; but such old bond with the names of the new sureties subscribed thereto, shall be directed to be filed with the proper keeper of such bond; and such new sureties shall be liable for all the official acts of such officer from the original date of the execution of such old bond.

SEC. —. The Board of Commissioners of each county shall examine all the official bonds filed in the office of the clerk of the Circuit Court of such county, and also the bond of such clerk, and if the penalty of any thereof is inadequate, or the sureties thereof are insufficient, or have moved from the State, except in the case of the bond of such clerk, such board shall direct such clerk to cause the necessary proceedings to be had as therein provided, to procure a new bond or additional sureties; and in case of such clerk's bond, such board shall cause the Auditor of such county to institute such proceedings; and in case such clerk and auditor fail to comply with any such order of such board, they shall be liable on their bonds for any damage, occasioned by such neglect, growing out of any malfeasance or misfeasance in office of the officer complained against.

4th. In section 1st, 10th line, after the word "process" add the following; "At the Court House of such county."

Which amendments were adopted.

Mr. Emerson moved to consider the bill as engrossed and read a third time now.

Which was agreed to.

The bill was then read a third time, and

The question being, shall the bill pass,

It was decided in the affirmative, ayes 40; noes none.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Athon, Berry, Brugh, Cravenis, Dawson, Delevan, Dougherty, Eddy, Emerson, Hatfield, Henton, Hester, Hickman, Hicks, Holloway, Hunt, James, Kendall, Kinnard, Knowlton, Mickle, Miller, Milliken, Newland, Niblack, Odell, Reid, Saffer, Scoby, Secrest, Slack, Spann, Todd, Turman, Walker, Washburn, Winstandley, and Witherow.

No. 141. A bill to provide for the election, and prescribing certain duties of recorders;

Was read a third time; when,

On motion by Mr. Hester,

It was laid on the table.

#### JOINT RESOLUTIONS ON THEIR SECOND READING.

No. 27, of the House. A joint resolution relative to bounty lands;  
Was read a second time and ordered to a third reading.

Senate Joint Resolution No. 144, relative to the Indiana Normal University for the education of females;

Was read a second time and ordered to be engrossed.

## SENATE BILLS ON THEIR SECOND READING.

No. 145. A bill to provide for electing electors for President and Vice President of the United States;

Was read a second time; when

Mr. Miller moved to amend by striking out the words "ten cents," and inserting the words "twelve cents."

Which was decided in the negative. Ayes 8; noes 25.

The ayes and noes were demanded by Senators Secrest and Athon.

*Those who voted in the affirmative were,*

Senators Athon, Cravens, Dawson, James, Kinnard, Miller, Newland, and Niblack.

*Those who voted in the negative were,*

Senators Allen, Berry, Brugh, Dougherty, Eddy, Emerson, Henton, Hester, Hickman, Hicks, Holloway, Hunt, Kendall, Mickle, Milliken, Odell, Saffer, Scoby, Secrest, Todd, Turman, Walker, Washburn, Winstandley, and Witherow.

The bill was then ordered to be engrossed for a third reading.

No. 146. A bill to provide for the election and compensation of prosecuting attorneys, and their deputies, and prescribing certain of their duties;

Was read a second time: when

Mr. Secrest moved to fill the blank in the 6th section by inserting "one hundred and fifty dollars."

Which was agreed to.

Mr. Secrest moved to amend as follows:

Strike out all that part of the bill which requires the prosecuting attorney to prosecute before justices of the peace.

Which was adopted.

Mr. Secrest moved to reconsider the vote adopting the amendment;

Which was agreed to.

The question recurring on the adoption of the amendment,

Mr. Hester moved to amend the amendment as follows:

Add at the end of the first section the words "when required so to do by the injured party."

Also, insert before the word "justices," in the last line of said section, the word "in."

Mr. Secrest moved to lay the amendment to the amendment on the table.

Which was not agreed to.

The question was, will the Senate adopt the amendment to the amendment?

Pending which,

On motion by Mr. Spann,

The Senate adjourned.

2 o'clock, P. M.

The Senate met.

The consideration of the amendment to the amendment to Senate bill No. 146, was resumed.

The chair decided that as the friends of the bill were entitled to perfect the bill, the first question would be, "will the Senate adopt the amendment to the amendment proposed by Mr. Hester?"

Which was decided in the affirmative.

The question then being "will the Senate adopt the amendment proposed by Mr. Secrest?"

It was decided in the negative—ayes 16, noes 23.

The ayes and noes were demanded by Senators Secrest and Slack.

*Those who voted in the affirmative were,*

Senators Allen, Athon, Brugh, Dawson, Dougherty, Henton, Miller, Newland, Scoby, Secrest, Slack, Spann, Todd, Walker, Washburn and Witherow.

*Those who voted in the negative were,*

Senators Berry, Cravens, Delevan, Eddy, Emerson, Hanna, Hester, Hickman, Hicks, Holloway, Hunt, James, Kendall, Kinnard, Knowlton, Mickle, Milliken, Niblack, Odell, Reid, Saffer, Teegarden and Winstandley.

Mr. Reid offered the following amendments to section 5:

Strike out the word "or" after the word "conviction," in the 11th, and insert the words "on a," and after the word "of" insert the word "not," also at the end of said section insert: *Provided*, no docket

fee shall be taxed against any defendant in any case where the justice has original exclusive jurisdiction.

The amendments were each considered separately and adopted.

Mr. Emerson proposed the following amendments:

Insert after the word "of" in the 13th line the words "conviction on a."

Strike out the word "four" in the 15th line of the 5th section and insert the word "two."

After the word "dollars" in the 16th line of said section insert the words "and fifty cents."

Which were considered separately and adopted.

Mr. Emerson moved to amend by inserting after the word "conclusive" in the 16th and 17th lines of said section the words "on a plea of not guilty."

Which was adopted.

Mr. Emerson offered the following amendment:

After the word "divorce" in the 18th line of the 5th section insert the words "in which the person applying fails in the application."

Which was adopted.

Mr. Secrest moved to amend as follows:

Insert at the end of the 5th section "or in case where the justice has no original jurisdiction."

Which motion prevailed.

Mr. Dawson moved to amend section 7 by striking out all after the word "compensation," and inserting "to be allowed and certified by said court and paid out of the prosecutor's salary."

Mr. Hester moved to lay the amendment on the table;

Which motion was decided in the negative—ayes 10, noes 25.

The ayes and noes were demanded by Senators Emerson and Athon.

*Those who voted in the affirmative were,*

Senators Berry, Eddy, Hatfield, Hester, Hickman, Holloway, Kendall, Kinnard, Niblack, and Scoby.

*Those who voted in the negative were,*

Senators Allen, Athon, Brugh, Cravens, Dawson, Delevan, Dougherty, Emerson, Henton, Hunt, Knowlton, Mickle, Milliken, Newland, Odell, Saffer, Secrest, Slack, Spann, Teegarden, Todd, Walker, Washburn, Winstandley and Witherow.

Mr. Hester moved to amend by striking out all from the word "dollars," in the 17th line of section 5, to the word "five," in the 22d line of same section.



Mr. Dawson moved to refer the bill and pending amendment to a select committee;

Which was agreed to.

Senators Dawson, Emerson, Slack, Holloway and Secrest, were appointed said committee.

Mr. Eddy moved to take from the table Senate bill

No. 143. A bill for the incorporation of insurance companies, defining their powers and prescribing their duties, and in relation to foreign insurance companies and their agents;

Which was agreed to.

Mr. Eddy moved to amend section 13 as follows:

"Or in stocks of railroad companies, when the same have been completed and operated for its entire length, for at least three years, and has for two years preceding such investment, declared a dividend on its stock equal to 7 per centum per annum."

Mr. Slack moved to lay the amendment on the table;

Which motion did not prevail.

The question recurring on the adoption of the amendment, It was decided in the negative.

Mr. Emerson moved to add to the following section:

SEC. —. If any insurance company shall accept any of the provisions of this act, or exercise any of the powers herein granted, such company shall be deemed to have accepted all of its provisions and shall be subject to the same.

Which motion was decided in the affirmative.

Mr. Emerson moved to add the following section:

SEC. —. That all special acts of incorporation for insurance companies heretofore enacted and under which no such company has been organized, nor measures taken to effect an organization under the same, be and the same are hereby repealed.

Which motion prevailed.

Mr. Turman, from the committee on Enrolled Bills, submitted the following report:

MR. PRESIDENT:

The joint committee on Enrolled Bills have examined Senate bill No. 70, entitled "An act providing for the colonization of negroes and mulattoes and their descendants, and appropriating \$5,000 therefor; constituting a State Board of Colonization; declaring the duties of said board, and of the State Treasurer and county treasurers in relation thereto," and find it correctly enrolled.

Also the following:

Mr. PRESIDENT:

Senate bill No. 79, was examined by the joint committee on Enrolled Bills, on yesterday, and found correctly enrolled.

The following message was received from the House of Representatives, by Mr. Sites, their Clerk:

Mr. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the Speaker has signed the following enrolled bills of the Senate, Nos. 70 and 79, which I am directed to bring to the Senate for the signature of the President thereof.

On motion of Mr. Winsteadley,  
The Senate adjourned.

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WEDNESDAY MORNING, }  
April 28th, 1852. }

The Senate met.

The journal of yesterday was read.

#### REPORTS SUBMITTED.

By Mr. Athon, from the joint committee appointed to visit the State Prison:

Mr. PRESIDENT:

The select joint committee appointed in pursuance of a resolution of this body, to repair to the State Prison and investigate the extent of the injury occasioned by the fire which occurred on the 27th of February last, report:

That on arriving at said Prison, they found that two buildings situated within the enclosure, had been almost entirely consumed by the fire. One of the buildings used as a machine shop, 380 feet long

and 45 feet wide, two stories high and built of brick, was so utterly destroyed that in the opinion of your committee, the walls will have to be entirely removed. Another building, being separate from the machine shop only 22 feet, a house 130 feet by 36 feet, built of brick, two stories high, and used as a bath house, dining room, wash house, bake room and tailor shop, was also seriously injured; but owing to the timely aid of the fire companies of Jeffersonville, assisted by several from the city of Louisville, the fire was so suddenly extinguished, that in the opinion of your committee, the walls may again be used.

Your committee are of the opinion, that had the three large cisterns which are in the enclosure, been located differently, the second building could have been saved; but owing to the close proximity of the cisterns to the buildings, as soon as the fire had spread to any extent, the heat became so intense, it was found impossible to approach them, and hence the firemen were driven from the water.

We would suggest the relocation of the cisterns, so that, in the event of a similar occurrence water can be procured.

Your committee were unable to form any definite opinion as to the cause of the fire, there being two causes assigned for it, design and accident. It was impossible for your committee to ascertain whether the destruction was brought about by accident or by the hand of an incendiary. Your committee are gratified to state, that there cannot be the least blame attached to the Lessee, or any officer connected with the Prison. Moreover, they take pleasure upon this occasion to state that the citizens of Jeffersonville acted with commendable zeal in staying the further progress of the devouring element.

Your committee received from Mr. Miller, the former architect of the buildings, a careful estimate of the losses and the probable cost to again rebuild and repair said Prison, which estimate is placed at \$14,070.

All of which your committee would respectfully submit, and ask to be discharged from a further consideration of the subject.

JAMES S. ATHON,  
On the part of the Senate.  
R. N. HUDSON,  
A. J. HAY,  
On the part of the House.

Which was,  
On his motion,  
Laid on the table.

By Mr. Eddy, from the joint committee on Revision:

MR. PRESIDENT:

The committee on Revision, to whom was referred the subject,

have instructed me to report the following bill for the incorporation of towns:

No. 149. A bill for the incorporation of towns, defining their powers, providing for the election of the officers thereof and declaring their duties;

Which was read a first time and passed to a second reading.

By Mr. Niblack, from a select committee:

MR. PRESIDENT:

The select committee to whom was referred the petition of sundry citizens of Daviess county, praying an act to repeal "an act for the relief of Michael Grannin, Jr, late of Daviess county, approved February 13, 1851," have had the subject matter under consideration, and have instructed me to report the accompanying bill and respectfully recommend its passage:

No. 150. A bill to repeal an act entitled "an act for the relief of Michael Grannin, Jr., late of Daviess county, approved February 13, 1851 ;"

Which was read a first time and passed to a second reading.

By Mr. Hester from the joint committee on Revision:

MR. PRESIDENT:

The joint committee on Revision, to whom the subject was referred, have instructed me to report the following bill, "providing for the government of the State University, the management of its funds, and for the disposition of the lands thereof," and to recommend its passage.

Which bill was read a first time and passed to a second reading.

By Mr. Hester, from the same committee:

MR. PRESIDENT:

The joint committee on Revision, to whom was referred the subject, have instructed me to report a bill "prescribing certain misdemeanors punishable only by a justice of the peace," and to recommend its passage.

The accompanying bill was read a first time and passed to a second reading.

## RESOLUTIONS.

Mr. Reid offered the following resolution:

*Resolved*, That one thousand copies be printed for the use of the Senate, of the answer of the Rev. J. Mitchell to the resolution of the House in regard to colonization by our State, and the said Mr. Mitchell be solicited to furnish the Senate, as Agent of the Colonization Society, a short treatise on the subject of colonization, to be printed along with said answer; and that five hundred copies thereof be placed at the disposal of the State Board of Colonization for distribution amongst the colored population of our State;

Which was not adopted.

## ORDERS OF THE DAY.

*Senate Bills on their Third reading.*

Mr. Hester moved to take from the table Senate bill

No. 141. A bill to provide for the election, and prescribing certain duties of recorders;

Which was agreed to.

Mr. Hester moved to amend the bill as follows:

Strike out section 1, and insert the following after the enacting clause:

SEC. 1. At the general election immediately preceding the expiration of the terms of office of the present incumbents, and every four years thereafter, there shall be elected in each county a recorder, who shall give bond in the penal sum of two thousand dollars.

SEC. 2. The office of such recorder shall be kept at the county seat, in a room to be provided for that purpose by the board of commissioners of the county.

Add the following section:

SEC. —. Whenever any instrument of writing, concerning the title to land, or any town plats or parts thereof, have heretofore been duly recorded in any other county of this State, the board of commissioners of the county where such lands are situated, may require the recorder of the same county to record, in a suitable book to be provided therefor, a copy of such instrument of writing, certified to be a true copy by the recorder of the county where the same have been heretofore recorded, and a copy of such copy, duly certified to be true by such recorder of the county where the lands or town lots are situate, shall be admissible, and have the same force in evidence as the original instrument of writing would have.

Which was unanimously agreed to.

The question being, shall the bill pass?

It was decided in the affirmative. Ayes 41; noes 1.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Berry, Brugh, Cravens, Davis, Delevan, Dougherty, Eddy, Hanna, Hatfield, Henton, Hester, Hickman, Hicks, Holloway, Hunt, James, Kendall, Kinnard, Knowlton, Mickle, Miller, Milliken, Newland, Niblack, Odell, Reid, Saffer, Scoby, Secrest, Slack, Sleeth, Spann, Teegarden, Todd, Turman, Walker, Washburn, Winstandley, and Witherow.

Senator Athon voted in the negative.

No. 124. A bill to establish and regulate ferries;

Was read the third time and passed. Ayes 26; noes 17.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Cravens, Delevan, Eddy, Emerson, Hanna, Hatfield, Henton, Hester, Hickman, Hicks, Holloway, Hunt, Kendall, Knowlton, Milliken, Odell, Reid, Secrest, Slack, Todd, Walker, Washburn, Winstandley, and Witherow.

*Those who voted in the negative were,*

Senators Athon, Berry, Brugh, Davis, Dawson, Dougherty, James, Kinnard, Mickle, Miller, Newland, Saffer, Scoby, Sleeth, Spann, Teegarden, and Turman.

No. 144. A joint resolution in relation to the Indiana Normal University for the education of females;

Was read a third time and passed. Ayes 43; noes none.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Athon, Berry, Brugh, Cravens, Davis, Dawson, Delevan, Dougherty, Eddy, Emerson, Hanna, Hatfield, Henton, Hester, Hickman, Hicks, Holloway, Hunt, James, Kendall, Kinnard, Knowlton, Mickle, Miller, Milliken, Newland, Odell, Reid, Saffer, Scoby, Secrest, Slack, Sleeth, Spann, Teegarden, Todd, Turman, Walker, Washburn, Winstandley, and Witherow.

No. 145. A bill providing for electing electors for President and Vice President of the United States,

Was read a third time; and

The question being shall the bill pass?

It was decided in the affirmative—ayes 39, noes none.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Athon, Berry, Brugh, Cravens, Delevan, Dougherty, Eddy, Emerson, Hanna, Hatfield, Henton, Hester, Hickman, Hicks, Holloway, Hunt, James, Kendall, Kinnard, Knowlton, Mickle, Miller, Milliken, Niblack, Odell, Reid, Saffer, Scoby, Slack, Spann, Teegarden, Todd, Turman, Walker, Washburn, Winsteadley, and Witherow.

No. 27 of the House. A joint resolution relative to bounty lands  
Was read a third time; and

The question being—shall the joint resolution pass?

It was decided in the affirmative—ayes 32, noes 6.

*Those who voted in the affirmative were,*

Senators Allen, Athon, Brugh, Dawson, Delevan, Dougherty, Eddy, Emerson, Hatfield, Henton, Hester, Hickman, Hicks, Hunt, James, Kendall, Kinnard, Knowlton, Miller, Niblack, Odell, Reid, Saffer, Scoby, Secrest, Slack, Sleeth, Spann, Todd, Walker, Washburn, Winsteadley, and Witherow.

*Those who voted in the negative were,*

Senators Berry, Cravens, Holloway, Mickle, Milliken, and Teegarden.

Mr. Reid, from a select committee, submitted the following report:

MR. PRESIDENT:

The select committee to whom was referred Senate bill No. 104, being a bill for the laying out and establishing of public highways, have had the same under consideration and have instructed me to report the same back to the Senate and to recommend its passage.

On motion,

The accompanying bill was laid on the table.

No. 143. In reference to insurance companies,  
Was on its third reading, when,

On motion by Mr. Eddy,

It was laid on the table.

#### SENATE BILLS ON THEIR SECOND READING.

No. 147. A bill prescribing the manner of empanneling petit jurors, the number and compensation thereof;

Was read a second time and ordered to be engrossed.

No. 148. A bill touching the laying out and vacation of towns, streets, alleys, and public grounds, and the making out and recording plats of such towns,

Was read a second time, when

Mr. Witherow moved to amend by adding the following:

SEC. —. Such board may change the name of any town, upon the petition therefor of a majority of the qualified electors of such town; and in case any such change is made, notice thereof shall be given by publication three weeks successively in a newspaper of the county, if any, and if not, by written or printed notices posted up in three of the most public places in such town; and a certified copy of the order of such change shall be recorded in the recorder's office of the county.

Which was adopted.

The bill as amended was then ordered to be engrossed.

The following message was received from the House of Representatives, by Mr. Sites, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof: No. 193, entitled "an act concerning mortgages;"

In which the concurrence of the Senate is respectfully requested.

The accompanying bill was read a first time and passed to a second reading.

On motion by Mr. Eddy,  
The Senate adjourned.

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2 o'clock, P. M.

The Senate met.

The following message was received from His Excellency, the Governor, by Mr. King, his private Secretary:

MR. PRESIDENT:

I am directed by the Governor, to inform the Senate that he has approved and signed the following bills, viz:



No. 70. An act providing for the colonization of negroes and mulattoes and their descendants, and appropriating five thousand dollars therefor; constituting a State Board of Colonization, declaring the duties of said Board, and of the State Treasurer and county treasurers in relation thereto.

No. 79. An act to provide for the appointment of a commissioner to superintend the fencing of the Tippecanoe Battle Ground.

Which bills originated in the Senate.

The following message was received from the House of Representatives, by Mr. Sites, their Clerk:

**MR. PRESIDENT:**

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bills thereof:

No. 59, entitled "a bill to provide for the incorporation of railroad companies."

No. 184, entitled "an act to authorize railroad companies to bridge navigable streams."

No. 205, entitled "an act to provide for contesting the election to any State, district, circuit, county or township office."

No. 206, entitled "an act for the protection of lands held by, or mortgaged to the State, and concerning charges thereon."

In which the concurrence of the Senate is respectfully requested.

By Mr. Hester, from the joint committee on Revision, submitted the following report:

**MR. PRESIDENT:**

The select joint committee on Revision, to whom was referred bill of the Senate No. 18 entitled "an act exempting five hundred dollars worth of real estate from execution," have had the subject of the bill under consideration, and have instructed me to report the same back to the Senate, with the recommendation that it be laid on the table.

Was concurred in.

By Mr. Hester, from the same committee, submitted the following report:

**MR. PRESIDENT:**

The joint committee on Revision, to whom was referred the subject, have had the same under consideration, and instructed me to

report "a bill providing for the settlement of decedent's estates, prescribing the rights, liabilities, and duties of officers connected with the management thereof, and of the heirs thereto, and certain forms to be used in such settlement;" and to recommend its passage.

The accompanying bill was read a first time and passed to a second reading.

On motion by Mr. Eddy,  
The Senate adjourned.

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TUESDAY MORNING, 8 o'clock, }  
April 29, 1852. }

The Senate met.

The journal of yesterday was read.

**PETITIONS PRESENTED.**

Mr. Walker presented the petition from the citizens of the county of Cass on the subject of free banks;

Which,

On his motion,

Was referred to the select committee on Banks.

Mr. Hicks presented a petition from the citizens of Johnson county, on the same subject;

Which,

On his motion,

Was referred to the select committee on Banks.

Mr. Saffier presented the petition of citizens of Floyd county, on the subject of temperance:

Which,

On his motion,

Was referred to the committee on that subject.

By Mr. Mickel:

From 311 citizens of Adams county, on the subject of temperance;

Which,

On motion,

Was referred to the committee on that subject.

Mr. Winstandley moved to reconsider the vote referring the petition of citizens of Floyd county to the committee on temperance ;  
Which motion prevailed.

When,

On his motion,

The petition was referred to a select committee.

Senators Winstandley, Saffer and Teegarden were appointed said committee.

By Mr. Hunt :

From the citizens of Madison county, for the relief of Adam Pence ;

Which,

On his motion,

Was referred to the committee on Finance.

#### REPORTS SUBMITTED.

By Mr. Dawson, from a select committee:

MR. PRESIDENT:

The select committee to whom was referred Senate bill No. 146, entitled "A bill to provide for the election and compensation of prosecuting attorneys and their deputies, and prescribing certain of their duties," have had the same under consideration, and have made sundry amendments thereto; which, when adopted, a majority of said committee have instructed me to recommend its passage.

Amend as follows:

1st section 10th line after the word "circuit" insert the word "and."

Same section 11th line, strike out the words "and justices."

3d section 11th line, strike out the words "and justices."

4th section 15th line, strike out the words "prosecutors or deputies" and insert the word "court."

Same section 21st line, strike out the word "he" and insert the words "said court."

5th section 2d line, after the word "shall" insert the words "in said circuit and common pleas courts."

Same section, strike out all after the word "fees" in the 10th line to the word "in" in the 13th line.

4th section, 7th line, strike out the words "except the circuit court."

5th section 3d and 4th lines, strike out the words, "and all cases for bastardy."

Strike out the 7th section and insert the following in lieu thereof:

SEC. —. The judge of the circuit court and court of common

pleas, in case of the absence of such prosecutor or deputy, at any term of such court shall appoint some person to prosecute for such term who shall in addition to the docket fees receive such compensation therefor as to the court shall seem reasonable, to be drawn from the State Treasury on the allowance of the court and shall be deducted from the salary of such attorney for the State which he is authorized to receive as such attorney.

Which was concurred in.

Mr. Emerson moved to reconsider the vote on concurring in the report.

Which was agreed to.

Mr. Milliken moved to recommit the bill and pending amendments to the committee on Revision.

Which motion prevailed.

#### BILLS INTRODUCED.

By Mr. Niblack;

No. 154. A bill regulating the admission of attorneys and counsellors at law, providing for a roll thereof, defining their duties and liabilities, and prescribing remedies against the same;

Which was read a first time and passed to a second reading.

The President appointed Mr. Witherow a member of the select committee on Banks in place of Hon. Nicholas McCarty resigned.

Mr. Hester, from the joint committee on Revision, submitted the following report:

MR. PRESIDENT:

The select joint committee on Revision, to whom was referred House bill No. 139, "an act to establish a system of general banking," have had the same under consideration, and a majority have directed me to report the same back with the following amendments, and when so amended respectfully recommend its passage.

1. Amend the 4th line of the 3d section as follows:

Strike out the words "one dollar" and insert the words "five dollars."

2. Amend the 34th section as follows:

Strike out the words "the first day of July, 1852," and insert the words "the first of March, 1853."

Amend section 21, by striking out the words "one year" in the 24th line and inserting "ninety days."

Also, add the following sections:

SEC. —. Whenever it is clearly proven that any note or bill issued by any bank or association authorized by this act, has been irrecoverably destroyed or lost, the person who may have been the holder thereof, shall be entitled to recover the amount so lost or destroyed.

SEC. —. Every officer, agent or clerk of said bank or association, who shall wilfully and knowingly subscribe or make any false statement or false entries in the books of such person or association, or shall knowingly subscribe or exhibit false papers with the intent to deceive any person authorized to examine as to the condition of such bank or association, or shall wilfully and knowingly subscribe or make false reports, shall be deemed guilty of felony, and shall be subjected to imprisonment at hard labor in the State Prison, for such term of years as the jury trying the case may think proper; and likewise any commissioner, examiner, master in chancery or judge, wilfully and knowingly subscribing or making any false report, shall be deemed guilty of felony, and be subjected to like penalties.

SEC. —. No director shall either directly or indirectly borrow from said bank or association, on loan, discount or by any other mode, an amount larger than double the amount of stock owned and held by him in said company, except on bona fide bills of exchange drawn payable out of this State.

The accompanying bill was read a second time.

The question being on the adoption of the first amendment,

It was decided in the negative—ayes 21, noes 23.

The ayes and noes were demanded by Messrs. Emerson and Brugh.

*Those who voted in the affirmative were,*

Senators Athon, Berry, Davis, Delevan, Dougherty, Eddy, Emerson, Hanna, Hatfield, Hester, Hickman, Hicks, Hunt, James, Kindard, Mickle, Milliken, Newland, Niblack, Sleeth, and Spann.

*Those who voted in the negative were,*

Senators Alexander, Allen, Brugh, Cravens, Dawson, Henton, Holloway, Kendall, Knowlton, Miller, Odell, Reid, Saffer, Scoby, Secrest, Slack, Teegarden, Todd, Turman, Walker, Washburn, Winstandley and Witherow.

Mr. Eddy moved to amend as follows:

That no Bank created or organized under this act shall, after the first day of January, 1857, issue bills of a less denomination than twenty dollars.

Mr. Dougherty moved to amend the amendment by striking out "20," and inserting "5."

Which was not agreed to.

The question recurring on the adoption of the amendment,  
It was decided in the negative. Ayes 12; noes 31.

The ayes and noes were demanded by Senators Eddy and Berry.

*Those who voted in the affirmative were,*

Senators Berry, Eddy, Emerson, Hanna, Hatfield, Hunt, Kinnard,  
Mickle, Newland, Niblack, Slack, and Spann.

*Those who voted in the negative were,*

Senators Alexander, Allen, Athon, Brugh, Cravens, Davis, Dawson,  
Delevan, Dougherty, Henton, Hickman, Hicks, Holloway, James,  
Kendall, Knowlton, Miller, Milliken, Odell, Reid, Saffer, Scoby, Se-  
crest, Sleeth, Teegarden, Todd, Turman, Walker, Washburn, Win-  
standley, and Witherow.

Mr. Eddy moved to amend as follows:

From and after the first of January, 1855, no Bank shall issue  
bills of less denomination than ten dollars.

Which was decided in the negative—ayes 13, noes 30.

The ayes and noes were demanded by Senators Eddy and Berry.

*Those who voted in the affirmative were,*

Senators Berry, Eddy, Emerson, Hanna, Hatfield, Hunt, Kinnard,  
Mickle, Newland, Niblack, Slack, Spann, and Walker.

*Those who voted in the negative were,*

Senators Alexander, Allen, Athon, Brugh, Cravens, Davis, Daw-  
son, Delevan, Dougherty, Henton, Hickman, Hicks, Holloway, James,  
Kendall, Knowlton, Miller, Milliken, Odell, Reid, Saffer, Scoby, Se-  
crest, Sleeth, Teegarden, Todd, Turman, Washburn, Winstandley,  
and Witherow.

Mr. Berry moved to amend as follows:

*Provided, however,* No bank under this act shall be authorized to  
receive or pay out any note or bill of a less denomination than five  
dollars, issued by any bank or other corporation out of this State.

Which was adopted.

Mr. Reid moved to amend as follows:

*Provided,* That each and every bank incorporated under the  
provisions of this act, that issues bills of any denomination under

five dollars shall pay in gold and silver on demand at their usual places of doing business, all such bills, which payment shall be in gold or silver of the coin of the United States at the option of the demandant.

Mr. Eddy moved to amend the amendment by striking out the words "under five dollars."

Mr. Winstandley moved to lay the amendment and the amendment to the amendment on the table.

Which was decided in the affirmative. Ayes 24; noes 19.

The ayes and noes were demanded by Senators Reid and Eddy.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Athon, Brugh, Cravens, Davis, Dougherty, Henton, Hicks, Holloway, James, Kendall, Knowlton, Milliken, Odell, Scobey, Secrest, Slack, Sleeth, Turman, Walker, Washburn, Winstandley, and Witherow.

*Those who voted in the negative were,*

Senators Berry, Dawson, Delevan, Eddy, Emerson, Hanna, Hatfield, Hester, Hickman, Kinnard, Mickle, Miller, Newland, Niblack, Reid, Saffer, Spann, Teegarden, and Todd.

Mr. Slack moved to re-consider the vote on the adoption of the amendment proposed by Mr. Berry.

Which was decided in the negative. Ayes 15, noes 25.

The ayes and noes were demanded by Senators Berry and Eddy.

*Those who voted in the affirmative were,*

Senators Allen, Brugh, Dawson, Henton, Holloway, Kendall, Odell, Saffer, Scoby, Secrest, Slack, Teegarden, Walker, Washburn, and Witherow.

*Those who voted in the negative were,*

Senators Alexander, Athon, Berry, Cravens, Delevan, Dougherty, Eddy, Emerson, Hanna, Hatfield, Hester, Hickman, Hicks, Hunt, James, Kinnard, Mickle, Miller, Milliken, Newland, Niblack, Reid, Spann, Todd, and Winstandley.

Mr. Athon moved to amend as follows:

Amend in the proper place by authorizing the Auditor of State to procure a plate with appropriate devices for striking all the paper

which any company organized under this law shall issue, and that he be authorized to charge  $\frac{1}{4}$  of one per cent. upon all paper thus issued, which shall, after deducting the expenses for obtaining said plate and keeping it in repair, be set apart for common school purposes.

Which was decided in the negative—ayes 10, noes 30.

The ayes and noes were demanded by Senators Athon and Emerson.

*Those who voted in the affirmative were,*

Senators Athon, Dawson, Emerson, Hanna, Hatfield, Hester, Hunt, Newland, and Spann.

*Those who voted in the negative were,*

Senators Alexander, Allen, Berry, Cravens, Delevan, Dougherty, Eddy, Henton, Hickman, Hicks, Holloway, James, Kendall, Kinard, Knowlton, Mickle, Miller, Milliken, Niblack, Odell, Reid, Saffer, Scoby, Slack, Sleeth, Teegarden, Todd, Walker, Washburn, Windstandley, and Witherow.

Mr. Niblack moved to amend as follows:

Add to section six the following—

*And provided further,* That the General Assembly shall have power, and hereby reserves the right, at any time, to require any association or banking company organized under this act to deposit with the Auditor of State or other proper officer, an amount of specie equal to the amount of notes or other circulating medium issued and put in circulation by said association or company in lieu of any stocks or bonds previously deposited, and in default thereof may require such association or company to wind up its business within such time and in such manner as may be just and reasonable.

On motion by Mr. Niblack,

A call of the Senate was ordered.

After calling the roll,

Mr. Niblack moved to suspend the call;

Which was agreed to.

The following Senators were absent:

Senators Brugh, Davis, Defrees, Goodman, Logan, Longshore, Marshall, Turman and Woods.

The question being on the adoption of the amendment,

It was decided in the negative. Ayes 15; noes 26.

The ayes and noes were demanded by Senators Athon and Niblack.



*Those who voted in the affirmative were,*

Senators Athon, Berry, Dougherty, Emerson, Hanna, Hatfield, Hester, Hickman, Kinnard, Mickle, Miller, Newland, Niblack, Slack, and Spann.

*Those who voted in the negative were,*

Senators Alexander, Allen, Cravens, Dawson, Delevan, Eddy, Henton, Hicks, Holloway, Hunt, James, Kendall, Knowlton, Milliken, Odell, Reid, Saffer, Scobey, Secrest, Sleeth, Teegarden, Todd, Walker, Washburn, Winstandley and Witherow.

Mr. Slack moved to amend as follows:

Amend by adding a section as follows—

SEC. —. That the bills of the several denominations by this act authorized to be put in circulation by any banking institution, shall all be struck upon the same plate, or upon a precise pattern thereof, except the alterations which are necessary to change the denomination.

Mr. Winstandley moved to lay the amendment on the table ;

Which motion prevailed.

Mr. Emerson moved to amend by striking out all that part of section 20 in relation to taking interest in advance ;

Which was decided in the negative. Ayes 15; noes 27.

The ayes and noes were demanded by Senators Emerson and Athon.

*Those who voted in the affirmative were,*

Senators Athon, Berry, Cravens, Dawson, Emerson, Hatfield, Henton, Hester, Hickman, Kinnard, Mickle, Miller, Newland, Niblack, and Spann.

*Those who voted in the negative were,*

Senators Alexander, Allen, Davis, Delevan, Dougherty, Eddy, Hanna, Hicks, Holloway, Hunt, James, Kendall, Knowlton, Milliken, Odell, Reid, Scobey, Secrest, Slack, Sleeth, Teegarden, Todd, Turman, Walker, Washburn, Winstandley, and Witherow.

Mr. Berry moved to amend as follows:

*Provided, however,* Such banks shall not purchase bills of exchange when it refuses to discount well secured notes that are offered for discount.

Mr. Alexander moved to lay the amendment on the table ;

Which was decided in the affirmative. Ayes 22; noes 20.

The ayes and noes were demanded by Senators Dawson and Berry.

*Those who voted in the affirmative were,*

Senators Alexander, Cravens, Davis, Delevan, Eddy, Hicks, Holloway, James, Kendall, Knowlton, Odell, Reid, Scoby, Secrest, Slack, Teegarden, Todd, Turman, Walker, Washburn, Winstandley, and Witherow.

*Those who voted in the negative were,*

Senators Allen, Athon, Berry, Dawson, Dougherty, Emerson, Hanna, Hatfield, Henton, Hester, Hickman, Hunt, Kinnard, Mickle, Miller, Milliken, Newland, Niblack, Sleeth, and Spann.

Mr. Dawson moved to amend by striking out "fifty thousand dollars," and inserting "twenty-five thousand dollars."

Mr. Kendall moved to lay the amendment on the table.

Which was decided in the affirmative. Ayes 26; noes 17.

The ayes and noes were demanded by Senators Dawson and Berry.

*Those who voted in the affirmative were,*

Senators Alexander, Athon, Cravens, Davis, Delevan, Dougherty, Eddy, Hanna, Henton, Hester, Holloway, Hunt, James, Kendall, Miller, Milliken, Niblack, Odell, Reid, Saffer, Scoby, Secrest, Teegarden, Todd, Walker, and Winstandley.

*Those who voted in the negative were,*

Senators Allen, Berry, Dawson, Emerson, Hatfield, Hickman, Hicks, Kinnard, Knowlton, Mickle, Newland, Slack, Sleeth, Spann, Turman, Washburn, and Witherow.

The question then being, Will the Senate concur in the second amendment proposed by the committee?

On motion by Mr. James,

The Senate adjourned.

2 O'CLOCK, P. M.

Senate met.

The consideration of the second amendment of the committee to House bill No. 139, was resumed; when,

On motion by Mr. Reid,

A call of the Senate was ordered.

On calling the roll, the following Senators were absent:

Senators Davis, Dawson, Defrees, Goodman, Hickman, Logan, Longshore, Marshall, Slack, Sleeth, and Woods.

Mr. Emerson moved to suspend the further call;  
Which motion did not prevail.

Mr. Emerson moved to suspend the further call.  
Which was not agreed to.

Mr. Spann moved to suspend the further call.  
Which was agreed to.

The question recurring on the adoption of the second amendment, being to strike out the words "one year" in the 24th line and insert "ninety days."

It was decided in the negative.

Mr. Emerson moved to strike out in the 33d section the words "twelve and a half" and insert the word "fifty" in lieu thereof.

Which,

On motion by Mr. Winstandley,

Was laid on the table. Ayes 25; noes 17.

The ayes and noes were demanded by Messrs. Emerson and Athon.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Brugh, Davis, Delevan, Eddy, Henton, Holloway, Hunt, James, Kendall, Knowlton, Milliken, Odell, Reid, Scobey, Secrest, Slack, Teegarden, Todd, Turman, Walker, Washburn, Winstandley and Witherow.

*Those who voted in the negative were,*

Senators Athon, Berry, Cravens, Dougherty, Emerson, Hanna, Hatfield, Hester, Hicks, Kinnard, Mickle, Miller, Newland, Niblack, Saffer, Sleeth and Spann.

Mr. Eddy moved to amend as follows:

Amend section 33d by striking out the words "twelve and one

half" after the words "less than" in the 50th line of said section and inserting "twenty-five."

Which was adopted. Ayes 23; noes 20.

The ayes and noes were demanded by Senators Eddy and Dawson.

*Those who voted in the affirmative were,*

Senators Allen, Athon, Berry, Cravens, Dawson, Dougherty, Eddy, Emerson, Hanna, Hatfield, Hester, Hicks, Hunt, Kinnard, Knowlton, Mickle, Miller, Newland, Niblack, Saffer, Slack, Sleeth, and Spann.

*Those who voted in the negative were,*

Senators Alexander, Brugh, Davis, Delevan, Henton, Holloway, James, Kendall, Miller, Odell, Reid, Scobey, Secrest, Teegarden, Todd, Turman, Walker, Washburn, Winstandley, and Witherow.

The question being on concurring in the 3d amendment of the committee,

It was decided in the negative.

The fourth, fifth and sixth amendments were severally considered and adopted.

Mr. Eddy moved to amend as follows:

SEC. 38. No officer or stockholder, or other person connected with the management of the bank, shall act as a notary public therefor.

Which was adopted.

Mr. Slack moved to amend the 25th section by striking out all after the word "association" in the fourth line, and inserting the following: "to the full extent of said indebtedness, and that the same shall be a lien upon all his or her estate from the time of making the subscription, and no subsequent assignment or transfer of said stock shall release said lien, and every subsequent assignee shall be held in the same manner as the original subscriber.

Mr. Reid moved to lay the amendment on the table;

Which motion prevailed—ayes 29, noes 15.

The ayes and noes were demanded by Senators Slack and Cravens.

*Those who voted in the affirmative were,*

Senators Alexander, Berry, Brugh, Davis, Delevan, Eddy, Hanna, Hicks, Holloway, Hunt, James, Kendall, Knowlton, Miller, Milliken, Newland, Odell, Reid, Saffer, Scoby, Secrest, Spann, Teegarden, Todd, Turman, Walker, Washburn, Winstandley and Witherow.

*Those who voted in the negative were,*

Senators Allen, Athon, Cravens, Dawson, Dougherty, Emerson, Hatfield, Henton, Hester, Kinnard, Mickle, Milliken, Niblack, Slack, and Sleeth.

Mr. Berry proposed the following amendment to section 3:

Add to said section the following: "nor shall such banks be authorized to issue bills for circulation of less denominations than five dollars, to an amount exceeding one-fourth of their whole issue."

Which amendment was adopted.

Mr. Hanna moved the following amendment:

Amend section 5 as follows: strike out the word "equal" in the 7th line of said section, and insert after the word "notes" in the 8th line of said section the following words; "equal to four-fifths of the value at which said securities are received on transfer as aforesaid."

Mr. Winstandley moved to lay the amendment on the table.

Which was decided in the affirmative. ayes 23, noes 20.

The ayes and noes were demanded by Senators Hanna and Athon.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Brugh, Delevan, Eddy, Henton, Holloway, Hunt, James, Kendall, Knowlton, Milliken, Odell, Reid, Scobey, Secrest, Teegarden, Todd, Turman, Walker, Washburn, Winstandley, and Witherow.

*Those who voted in the negative were,*

Senators Athon, Berry, Cravens, Davis, Dawson, Dougherty, Emerson, Hanna, Hatfield, Hester, Hicks, Kinnard, Mickle Miller, Newland, Niblack, Saffer, Slack, Sleeth, and Spann.

Mr. Hanna moved to amend as follows:

Amend section 6, by inserting after the word "State" in the 4th line, and before the word "or" the following words: "and chargeable upon the State Treasury."

Which was adopted.

The question then being, shall the bill be engrossed for a third reading?

It was decided in the affirmative—ayes 23, noes 20.

The ayes and noes were demanded by Senators Berry and Eddy.

*Those who voted in the affirmative were,*

Senators Brugh, Davis, Delevan, Eddy, Henton, Holloway, Hunt, James, Kendall, Mickle, Milliken, Odell, Reid, Scobey, Secrest, Slack,

Teegarden, Todd, Turman, Walker, Washburn, Winstandley and Witherow.

*Those who voted in the negative were,*

Senators Alexander, Allen, Athon, Berry, Cravens, Dawson, Dougherty, Emerson, Hanna, Hatfield, Hester, Hicks, Kinnard, Knowlton, Miller, Newland, Niblack, Saffer, Sleeth and Spann.

On motion by Mr. Hester,

Leave of absence was granted to Mr. Niblack for ten days.

The following message was received from the House of Representatives, by Mr. Sites, their Clerk :

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the Speaker has signed the following joint resolution thereof: No. 27, which I am directed to bring to the Senate for the signature of the President thereof.

On motion by Mr. Newland,  
The Senate adjourned.

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FRIDAY MORNING, }  
April 30th, 1852. }

The Senate met.

The journal of yesterday was read.

#### REPORTS SUBMITTED.

By Mr. Hester, from the joint committee on Revision :

MR. PRESIDENT:

The select joint committee on Revision, to whom was referred

House bill No. 21, entitled "an act to limit the number of grand jurors and to point out the mode of their selection and repealing all laws inconsistent with this act," have had the same under consideration, and have instructed me to report the same back to the Senate with the recommendation that it be laid on the table.

Which was concurred in.

By Mr. Hester, from the same committee:

MR. PRESIDENT:

The joint committee on Revision, to whom was referred Senate bill No. 91, authorizing the sale of the stock belonging to the State of Indiana in the State Bank of Indiana, have had that subject under consideration, and, as they are not aware of any stock owned by the State in said bank, they recommend that said bill lie on the table, and ask to be discharged from the further consideration of the subject.

Which was concurred in.

By Mr. Hester from the same committee:

MR. PRESIDENT:

The joint committee on Revision, to whom was referred House bill No. 171, "to regulate the toll of grain mills and prescribing the duties of millers," have had the subject under consideration, and have directed me to report the same back and recommend that it be laid on the table, and they ask to be discharged from its further consideration.

Which was concurred in.

By Mr. Hester, from the same committee:

MR. PRESIDENT:

The joint committee on Revision, to whom was referred House bill No. 150, "a bill to provide for the election of State Printer, for the public printing and binding, and distribution of the laws and journals," have had the same under consideration, and have directed me to report it back, and recommend that it be laid on the table.

Which was concurred in.

By Mr. Hester from the same committee:

MR. PRESIDENT:

The joint committee on Revision, to whom was referred bill of the Senate No. 5, entitled "an act to organize a county court for each county in the State," have had the same under consideration, and have instructed me to report it back to the Senate, with the recommendation that it be laid on the table.

Which was concurred in.

#### RESOLUTIONS.

Mr. Slack offered the following resolution:

*Resolved*, That, for the purpose of ascertaining the actual value of the State's interest in the State Bank of Indiana, and the cause of the depreciation thereof, during the past year, the committee on Banks be authorized to send for persons and papers, and report the result of their investigations to the Senate.

Which was adopted.

#### ORDERS OF THE DAY.

*Senate bills on their third reading.*

No. 147. A bill prescribing the manner of empanneling petit jurors, the number and compensation thereof;

Was read a third time and passed—ayes 41, noes 1.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Athon, Berry, Brugh, Cravens, Davis, Dawson, Delevan, Dougherty, Eddy, Emerson, Hanna, Hatfield, Henton, Hester, Hickman Hicks, Holloway, Hunt, James, Kendall, Kinnard, Knowlton, Longshore, Milliken, Newland, Odell, Reid, Saffer, Scoby, Secrest, Slack, Sleeth, Spann, Teegarden, Todd, Walker, Washburn, Winstandley and Witherow.

Senator Mickle voted in the negative.

No. 148. A bill touching the laying out and vacation of towns, streets, alleys, and public grounds, and the making out and recording plats of such towns;

Was read a third time and passed—ayes 41, noes none.



*Those who voted in the affirmative were,*

Senators Alexander, Allen, Athon, Berry, Brugh, Cravens, Dawson, Delevan, Dougherty Eddy, Emerson, Hanna, Hatfield, Henton, Hester, Hickman, Hicks, Holloway, Hunt, James, Kendall, Kinnard, Knowlton, Longshore, Mickle, Milliken, Newland, Odell, Reid, Saffer, Scoby, Secrest, Slack, Spann, Teegarden, Todd, Turman, Walker, Washburn, Winstandley and Witherow.

Mr. Hester moved to amend the title by striking out the word "and," in the 5th line, and adding after the word "towns," in the 6th line, the following: "And providing for the change of the names of such towns."

Which was agreed to.

No. 139 of the House. A bill to establish a system of general banking;

Was read a third time; when

Mr. Eddy moved to recommit the bill to a select committee, with instructions to strike out the 2d specification of the 26th section.

A division of the question was called for.

The President having decided the question divisible,

The first question was, Will the Senate recommit the bill?

Which was decided in the affirmative. Ayes 28; noes 14.

The ayes and noes were demanded by Senators Dawson and Eddy.

*Those who voted in the affirmative were,*

Senators Allen, Athon, Berry, Cravens, Dawson, Dougherty, Eddy, Emerson, Hanna, Hatfield, Henton, Hester, Hickman, Hicks, Hunt, Kinnard, Knowlton, Mickle, Miller, Newland, Reid, Saffer, Secrest, Slack, Spann, Teegarden, Todd, and Washburn.

*Those who voted in the negative were,*

Senators Alexander, Brugh, Delevan, Holloway, James, Kendall, Longshore, Milliken, Odell, Scoby, Turman, Walker, Winstandley, and Witherow.

Mr. Eddy withdrew his instructions.

Mr. Dawson moved to instruct as follows:

In the 2d specification, 26th section, strike out the words "loans made by or."

In the 20th section, strike out the words "real and."

Which was adopted.

Mr. Hanna moved further to instruct as follows:

Insert a provision, That if any bank or association organized under this act, shall fail or refuse to pay its notes on demand, it shall be the duty of the Auditor of State to appoint a receiver, to proceed immediately to take possession of the banking house, and all other real estate and personal assets belonging to such bank or association, which shall be surrendered by the officer of the bank or association to such receiver; and if they fail to do so, or remove or embezzle any of the property of said bank or association, after said failure or refusal to pay as aforesaid, they shall be guilty of felony, and liable to such punishment as the law may prescribe.

Mr. Reid moved to lay the instructions on the table.

Which was decided in the affirmative. Ayes 22; noes 17.

The ayes and noes were demanded by Senators Hanna and Reid.

*Those who voted in the affirmative were,*

Senators Alexander, Brugh, Delevan, Eddy, Henton, Hicks, Holloway, James, Kendall, Knowlton, Milliken, Odell, Reid, Saffer, Secrest, Slack, Teegarden, Todd, Turman, Walker, Washburn, Winstandley, and Witherow.

*Those who voted in the negative were,*

Senators Allen, Athon, Berry, Cravens, Dawson, Emerson, Hanna, Hatfield, Hester, Hickman, Hunt, Kinnard, Mickle, Miller, Newland, Scoby, Sleeth, and Spann.

Mr. Milliken moved further to instruct as follows:

Amend the bill so that the bonds of the United States, and of the States of Ohio, Kentucky, New York, Pennsylvania and Virginia, shall only be received as security for the issues.

Which was not adopted.

On motion by Mr. Secrest,  
The Senate adjourned.

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2 o'clock, P. M.

The Senate met.

The President laid before the Senate a letter from Mr. Goodman;  
Which was read.

Mr. Reid moved to suspend the order of business;  
Which was agreed to.

Mr. Reid, from the select committee on Banks, submitted the following report:

MR. PRESIDENT:

The committee on Free Banks, to whom was referred House bill No. 139, being an act to establish a system of general banking, with the instructions adopted by the Senate, have had the same under consideration, and in accordance with said instructions, have incorporated the same into the bill and requested me to report the said bill back to the Senate and to recommend its passage.

On motion by Mr. Teegarden,

A call of the Senate was ordered.

Mr. Slack moved that the absentees be sent for;

Which motion prevailed.

On motion by Mr. Reid,

The call was suspended.

The question being, shall the bill pass?

It failed for want of a constitutional majority—ayes 25, noes 20.

*Those who voted in the affirmative were,*

Senators Athon, Brugh, Davis, Delevan, Eddy, Henton, Hickman, Holloway, Hunt, James, Kendall, Longshore, Mickle, Odell, Reid, Saffer, Scoby, Secrest, Teegarden, Todd, Turman, Walker, Washburn, Winstandley, and Witherow.

*Those who voted in the negative were,*

Senators Alexander, Allen, Berry, Cravens, Dawson, Dougherty, Emerson, Hanna, Hatfield, Hester, Hicks, Kinuward, Knowlton, Logan, Miller, Milliken, Newland, Slack, Sleeth, and Spann.

Mr. Reid moved to reconsider the vote just taken;

Which motion prevailed.

Mr. Reid moved to lay the bill on the table;

Which motion did not prevail.

The question being, shall the bill pass?

It was lost for want of a constitutional majority—ayes 23, noes 21.

*Those who voted in the affirmative were,*

Senators Brugh, Davis, Delevan, Eddy, Henton, Hickman, Holloway, Hunt, James, Kendall, Longshore, Odell, Reid, Saffer, Scoby,

Secrest, Teegarden, Todd, Turman, Walker, Washburn, Winstandle, and Witherow.

*Those who voted in the negative were,*

Senators Alexander, Allen, Athon, Berry, Cravens, Dawson, Dougherty, Emerson, Hanna, Hatfield, Hester, Hicks, Kinnard, Logan, Mickle, Miller, Milliken, Newland, Slack, Sleeth, and Spann.

House bill, No. 205. A bill to provide for contesting the election to any State, district, circuit, county, or township office;

Was read a second time and ordered to a third reading.

House bill, No. 206. A bill for the protection of lands held by, or mortgaged to the State, and concerning charges thereon;

Was read a second time and ordered to a third reading.

Senate bill, No. 152. A bill prescribing certain misdemeanors punishable only by a justice of the peace;

Was read a second time and ordered to be engrossed.

Senate bill, No. 150. A bill to repeal an act entitled "an act for the relief of Michael Grannin, Jr., late of Daviess county;" approved Feb. 13th, 1851;

Was read a second time, and,

On motion by Mr. Emerson,

Laid on the table.

House bill, No. 184. A bill to authorize railroad companies to bridge navigable streams;

Was read a second time and ordered to a third reading.

House bill, No. 193. A bill concerning mortgages;

Was read a second time,

When,

On motion by Mr. Hester,

It was laid on the table.

Senate bill, No. 154. A bill regulating the admission of attorneys and counsellors at law, providing for a roll thereof, and defining their duties and liabilities, and prescribing remedies against the same;

Was read a second time by its title, and,

On motion by Mr. Hester,

Referred to the Law Commission.

Senate bill, No. 149. A bill for the incorporation of towns, defining their powers, providing for the election of the officers thereof, and discharging their duties;

Was read a second time,

When,

On motion by Mr. Scoby,

It was laid on the table.

Mr. Emerson moved to take from the table House bill, No. 193,  
 a bill concerning mortgages;  
 Which was agreed to.  
 The question being, shall the bill be ordered to a third reading?"  
 It was decided in the affirmative.

On motion by Mr. Slack,  
 The Senate adjourned.

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SATURDAY MORNING, }  
 May 1st, 1852. }

The Senate met.

The Journal of yesterday was read.

PETITIONS PRESENTED.

By Mr. Knowlton;  
 From citizens of Ripley county on the subject of temperance;  
 Which,

On his motion,  
 Was referred to the committee on Temperance.

By Mr. Hatfield:

From sundry citizens of the State asking the passage of a law  
 granting to owners and occupiers of salt and iron works, the privi-  
 lege of constructing plank or gravel road across the land of others;

Which,

On his motion,  
 Was referred to the committee on Roads.

By Mr. Athon:

From citizens of Jeffersonville on the subject of Free Bank.

Which,

On his motion,  
 Was referred to the select committee on Banks.

By Mr. Logan;

From sundry citizens of the county of Rush, on the subject of  
 Temperance.

Which,

On his motion,  
Was referred to the committee on that subject.

#### REPORTS SUBMITTED.

By Mr. Hester, from the joint committee on Revision:

MR. PRESIDENT:

The joint committee on Revision, to whom was referred the subject, have directed me to report a bill "defining vagrancy and prescribing punishment therefor, and to recommend its passage.

The accompanying bill was read a first time and passed to a second reading.

By Mr. Eddy, from the same committee:

MR. PRESIDENT:

The joint committee on Revision, to whom was referred House bill No. 93, on the subject of swamp lands, have considered the same and authorized me to report it to the Senate and recommend that it be referred to the committee on Swamp Lands.

Which was concurred in.

By Mr. Hester, from the same committee:

MR. PRESIDENT:

The select joint committee on Revision, to whom was referred bill of the Senate No. 73, entitled "an act to amend an act organizing in each county of this State a probate court, and fixing the salary of the judge thereof," have had the same under consideration, and have instructed me to report that the subject of the bill is incorporated in a general law, and to ask that the committee be discharged from the further consideration of the subject.

Which was concurred in.

By Mr. Hester, from the same committee:

MR. PRESIDENT:

The select joint committee on Revision, to whom was referred bill of the Senate No. 31, entitled "a bill to declare the meaning of section 232 of chapter 30 of the Revised Statutes of 1843, have had the same under consideration, and have instructed me to report it

back to the Senate with the recommendation that it be laid on the table,

Which was concurred in.

By Mr. Hester, from the same committee :

MR. PRESIDENT :

The select joint committee on Revision, to whom was referred House bill No. 165, entitled "an act for the repeal of an act limiting the fees of the auditor in the county of Marshall," have had the same under consideration, and have instructed me to report it back to the Senate with the recommendation that it be laid on the table, as the object of the bill will be effected by the general repealing act.

Which was concurred in.

By Mr. Hester, from the same committee :

MR. PRESIDENT :

The select joint committee on Revision, to whom was referred House bill No. 144, "an act authorizing the proof of deeds and mortgages in certain cases, &c.," have had the same under consideration, and have incorporated the provisions of the bill in a general law ; they have therefore directed me to report the same back, and respectfully recommend that it be laid on the table.

Concurred in.

By Mr. Hester, from the same committee :

MR. PRESIDENT :

The joint committee on Revision, to whom was referred Senate bill No. 110, "for the purchase of 38 volumes of the Western Sun and General Advertiser," report the same back with one amendment, and with such amendment, recommend its passage :

Amend by striking out, at the close of the first section, the words "five hundred dollars," and inserting "two hundred and fifty dollars."

Which amendment was concurred in ; when,

On motion by Mr. Hester,

The bill was laid on the table.

By Mr. Hester, from the same committee :

MR. PRESIDENT :

The joint committee on Revision, to whom was referred Senate

bill No. 56; "authorizing the applying of dividends accruing from stock owned by counties to common school purposes," report the same back, and recommend that it lie on the table, inasmuch as the provision it contains has been incorporated by them in the common school law.

Which was concurred in.

By Mr. Hester from the same committee:

MR. PRESIDENT:

The committee on Revision, to whom was referred House bill No. 3, in relation to canal bridges, have had the same under consideration, and would respectfully report the same without amendment and recommend its passage.

The accompanying bill was read a second time, and ordered to be engrossed.

By Mr. Hester, from the same committee:

MR. PRESIDENT:

The joint committee on Revision, to whom was referred House bill No. 118, "An act authorizing alien friends to take by descent or devise," &c., have had the same under consideration, and have directed me to report it back and recommend its passage.

The bill was,

On motion by Mr. Emerson,

Laid on the table.

Mr. Berry offered the following resolution:

*Resolved*, That it is the opinion of this Senate that the legislation best calculated to lessen the evils of intemperance, is that which will establish and maintain a good common school system of education; and that it will not pass any act similar in its provisions to that which is commonly called the "Maine law."

Mr. Winstandley moved the previous question;

Which was seconded.

And the question then being, Shall the main question be now put?

It was decided in the affirmative.

The question being, Will the Senate adopt the resolution?

It was decided in the affirmative. Ayes 29; noes 12.

The ayes and noes were demanded by Senators Emerson and Alexander.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Athon, Berry, Brugh, Cravens, Davis,



Dawson, Delevan, Dougherty, Eddy, Emerson, Hanna, Hatfield, Henton, Hester, Hickman, Hunt, James, Knowlton, Logan, Miller, Newland, Reid, Slack, Sleeth, Todd, Walker, and Winstandley.

*Those who voted in the negative were,*

Senators Holloway, Kendall, Kinnard, Mickle, Milliken, Odell, Saffer, Scobey, Teegarden, Turman, Washburn, and Witherow.

#### ORDERS OF THE DAY.

*Bills on their Third reading.*

No. 184 of the House. A bill to authorize rail road companies to bridge navigable streams;

Was read a third time; when

Mr. Emerson moved to recommit the bill to the committee on Revision.

Which was decided in the affirmative.

No. 152 of the Senate. A bill prescribing certain misdemeanors punishable only by a justice of the peace;

Was read a third time and passed. Ayes 37; noes none.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Athon, Brugh, Cravens, Davis, Dawson, Delevan, Dougherty, Eddy, Emerson, Hatfield, Henton, Hester, Hickman, Holloway, Hunt, Kendall, Kinnard, Knowlton, Logan, Mickle, Miller, Milliken, Newland, Odell, Reid, Scobey, Slack, Sleeth, Teegarden, Todd, Turman, Walker, Washburn, and Witherow.

No. 193 of the House. A bill concerning mortgages;

Was read a third time and passed. Ayes 36; noes none.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Athon, Brugh, Cravens, Dawson, Davis, Delevan, Dougherty, Eddy, Emerson, Henton, Hester, Hickman, Holloway, Hunt, Kendall, Kinnard, Knowlton, Logan, Mickle, Miller, Milliken, Newland, Odell, Reid, Saffer, Scobey, Slack, Sleeth, Teegarden, Todd, Walker, Washburn, Winstandley, and Witherow.

No. 205 of the House. A bill to provide for contesting the election of any State, district, circuit, county or township officer;

Was read a third time and passed. Ayes 37; noes none.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Athon, Berry, Brugh, Cravens, Dawson, Delevan, Dougherty, Eddy, Emerson, Hatfield, Henton, Hester, Hickman, Holloway, Hunt, James, Kendall, Kinnard, Knowlton, Logan, Mickle, Miller, Milliken, Odell, Reid, Scobey, Slack, Sleeth, Teegarden, Todd, Turman, Walker, Washburn, Winsteadley, and Witherow.

No. 206 of the House. A bill for the protection of lands held by or mortgaged to the State, and concerning charges thereon ;

Was read a third time and passed. Ayes 37; noes none.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Athon, Berry, Brugh, Cravens, Dawson, Delevan, Dougherty, Eddy, Emerson, Hatfield, Henton, Hester, Hickman, Holloway, Hunt, James, Kendall, Kinnard, Knowlton, Logan, Mickle, Miller, Milliken, Newland, Odell, Reid, Scobey, Slack, Sleeth, Teegarden, Todd, Walker, Washburn, Winsteadley, and Witherow.

On motion by Mr. Miller,

Senate bill No. 104. A bill for laying out and establishing highways, &c.,

Was taken from the table; when,

On his motion,

It was made the special order of the day for Tuesday next, at 2 o'clock P. M.

No. 59 of the House. A bill to provide for the incorporation of railroad companies,

Was read a second time; when

Mr. Witherow moved to amend as follows:

After the word "dollars" in the eleventh line of the first section, insert the following: "or one thousand dollars per mile."

Which was agreed to.

Mr. Athon moved to amend the 8th section by requiring said companies to pay 33 per cent. on the whole amount of stock before the contemplated railroads are commenced.

Mr. Berry moved to lay the amendment on the table;

Which was decided in the affirmative. Ayes 24; noes 12.

The ayes and noes were demanded by Senators Athon and Holloway.

*Those who voted in the affirmative were,*

Senators Allen, Berry, Cravens, Davis, Dawson, Dougherty, Emerson, Hester, Holloway, Hunt, Kendall, Knowlton, Logan, Mickle, Miller, Newland, Reid, Saffer, Slack, Sleeth, Todd, Walker, Winstandley, and Witherow.

*Those who voted in the negative were,*

Senators Athon, Brugh, Delevan, Eddy, Hatfield, Henton, Hickman, Kinnard, Milliken, Odell, Saffer, and Teegarden.

Mr. Athon moved to amend by requiring companies under this act to pay 25 per cent. before said roads are commenced.

Mr. Berry moved to lay the amendment on the table;

Which was agreed to. Ayes 28, noes 10.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Berry, Cravens, Davis, Dawson, Dougherty, Emerson, Hester, Holloway, Hunt, Kendall, Knowlton, Logan, Mickle, Miller, Newland, Odell, Reid, Saffer, Slack, Sleeth, Todd, Turman, Walker, Washburn, Winstandley, and Witherow.

*Those who voted in the negative were,*

Senators Athon, Brugh, Eddy, Hatfield, Henton, Hickman, Kinnard, Milliken, Scobey, and Teegarden.

Mr. Athon moved to amend as follows:

Amend by requiring companies under this act, to pay fifteen per cent. before the said roads are commenced.

Mr. Berry moved to lay the amendment on the table.

Which motion prevailed.

Mr. Athon moved to amend as follows:

*Provided*, That no such railroad shall be located or constructed so as to run on a line parallel with any railroad or part thereof in operation or in progress of construction within the distance of twenty miles.

Mr. Berry moved to lay the amendment on the table.

Which was decided in the affirmative—ayes 31, noes 10.

The ayes and noes were demanded by Senators Athon and Scobey.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Berry, Cravens, Davis, Dawson, Dele-

van, Dougherty, Eddy, Emerson, Hanna, Hester, Holloway, Hunt, James, Kendall, Knowlton, Logan, Mickle, Miller, Newland, Odell, Reid, Saffer, Slack, Teegarden, Todd, Turman, Walker, Washburn and Witherow.

*Those who voted in the negative were,*

Senators Athon, Brugh, Hatfield, Henton, Hickman, Kinnard, Milliken, Scobey, Sleeth, and Winstandley.

Mr. Athon proposed the following amendment:

*Provided*, The companies shall make the highways so crossed in as good a condition as may be required by the traveling community.

Mr. Slack moved to lay the amendment on the table;

Which was decided in the affirmative—ayes 24, noes 16.

The ayes and noes were demanded by Senators Athon and Kendall.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Berry, Cravens, Davis, Delevan, Dougherty, Emerson, Hester, Holloway, Hunt, James, Kendall, Knowlton, Logan, Mickle, Miller, Reid, Saffer, Slack, Walker, Wasburn, Winstandley and Witherow.

*Those who voted in the negative were,*

Senators Athon, Brugh, Dawson, Eddy, Hanna, Hatfield, Henton, Hickman, Kinnard, Milliken, Newland, Scobey, Sleeth, Teegarden, Todd and Turman.

Mr. Athon moved to refer the bill to the committee on Corporations.

Which was agreed to.

Mr. Athon moved to instruct the committee as follows:

Amend by inserting the following proviso—

*Provided*, That said company shall not own more real estate than is equal in value to the amount of stock in said company.

Which motion did not prevail.

Senate bill No. 151. A bill providing for the government of the State University, the management of its funds, and for the disposition of the lands thereof;

Was read a second time and ordered to be engrossed for a third reading.

Mr. Dawson offered the following resolution :

*Resolved*, That when the Senate adjourn, it will adjourn till half past eight o'clock on Monday morning.

Which was not adopted—ayes 5, noes 25.

The ayes and noes were demanded by Senators Emerson and Miller.

*Those who voted in the affirmative were,*

Senators Brugh, Dawson, Eddy, Hatfield, and Odell.

*Those who voted in the negative were,*

Senators Allen, Athon, Berry, Cravens, Dougherty, Emerson, Hanna, Henton, Hester, Holloway, Hunt, James, Kinnard, Knowlton, Mickle, Miller, Milliken, Saffer, Scobey, Teegarden, Todd, Walker, Washburn, Winstandley and Witherow.

On motion,  
The Senate adjourned.

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2 o'clock, P. M.

The Senate met.

No. 153. A bill provididing for the settlement of decedents' estates, prescribing the rights, liabilities and duties of officers connected with the management thereof and of the heirs thereto, and certain forms to be used in such settlements;

Was taken up, and the secretary proceeded to read the bill by sections, when

Mr. Emerson moved to amend the 1st section as follows:

Strike out the words "not being able to read or write."

Mr. Reid moved to amend the bill as follows:

Amend the 4th specification by inserting at the end thereof, the following proviso:

*Provided*, That where a person who is appointed executor in any last will and testament is unable to read and write, the court grant-

ing letters thereon may appoint some competent person to act as co-executor with the person named in the said will.

Which was decided in the negative; ayes 12, noes 24.

The ayes and noes were demanded by Senators Emerson and Cravens.

*Those who voted in the affirmative were,*

Senators Berry, Brugh, Eddy, Hanna, Hester, Hunt, Kendall, Kinard, Newland, Reid, Scobey, and Teegarden.

*Those who voted in the negative were,*

Senators Alexander, Allen, Athon, Cravens, Delevan, Dougherty, Emerson, Henton, Holloway, James, Knowlton, Logan, Mickle, Miller, Milliken, Odell, Saffer, Slack, Sleeth, Todd, Walker, Washburn, Winstandley and Witherow.

On motion by Mr. Slack,  
The Senate adjourned.

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MONDAY MORNING, }  
May 3, 1852. }

Senate met.

The journal of Saturday was read.

#### PETITIONS PRESENTED.

By Mr. Scobey:

From citizens of the counties of Decatur and Shelby, praying for a charter for a plank road;

Which,

On his motion,

Was referred to the committee on Corporations.

Mr. Milliken gave notice that he would, on to-morrow, move to so amend the standing rules, that no adjournment for the day shall

be had before five o'clock, P. M., without its being ordered by a vote of the ayes and noes.

Mr. Milliken offered the following resolution:

*Resolved*, That the name of the Senator making a motion to adjourn shall be noted on the journal, and also the hour at which such motion may be made.

Mr. Hanna moved to amend the resolution as follows:

That the remarks and reasons given by the Senator who makes the motion shall always be entered by the secretary at length on the journal.

Mr. Slack moved to lay the resolution and amendment on the table.

A division of the question being called for, and the President having decided the question divisible,

The first question was, will the Senate lay the amendment on the table?

It was decided in the affirmative. Ayes 23; noes 15.

The ayes and noes were demanded by Senators Slack and Athon.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Athon, Berry, Brugh, Cravens, Delevan, Emerson, Hatfield, Henton, Hickman, Holloway, Kinnard, Knowlton, Miller, Milliken, Scobey, Slack, Teegarden, Todd, Walker, Washburn, and Witherow.

*Those who voted in the negative were,*

Senators Davis, Dougherty, Hanna, Hester, Hunt, James, Kendall, Logan, Mickle, Newland, Odell, Reid, Saffer, Sleeth, and Turman.

The question then being, will the Senate lay the resolution on the table?

It was decided in the negative. Ayes 18; noes 20.

The ayes and noes were demanded by Senators Milliken and Emerson.

*Those who voted in the affirmative were,*

Senators Athon, Brugh, Davis, Delevan, Dougherty, Hanna, Henton, Holloway, James, Kendall, Logan, Saffer, Scobey, Slack, Sleeth, Turman, Walker, and Witherow.

*Those who voted in the negative were,*

Senators Alexander, Allen, Berry, Cravens, Emerson, Hatfield,

Hester, Hickman, Hunt, Kinnard, Knowlton, Mickle, Miller, Milliken, Newland, Odell, Reid, Teegarden, Todd, and Washburn.

The question then being, will the Senate adopt the resolution ?

It was decided in the negative—ayes 20, noes 20.

The ayes and noes were demanded by Senators Emerson and Milliken.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Berry, Cravens, Dougherty, Emerson, Hatfield, Hester, Hickman, Hunt, Kinnard, Knowlton, Mickle, Miller, Milliken, Odell, Reid, Teegarden, Washburn, and Winstandley.

*Those who voted in the negative were,*

Senators Athon, Brugh, Davis, Delevan, Eddy, Hanna, Henton, Holloway, James, Kendall, Logan, Newland, Saffer, Scobey, Slack, Sleeth, Todd, Turman, Walker, and Witherow.

The consideration of Senate bill No. 153, pending at adjournment on Saturday was resumed; when

Mr. Hester moved to amend as follows:

In the first specification of the 20th section strike out the words "being unable to read and write."

Which motion prevailed.

Mr. Emerson moved to amend as follows:

In the 27th line of the 60th section strike out the words "one term," and insert the words "thirty days."

Which was agreed to.

Mr. Emerson offered the following amendment:

Strike out in the 67th section all after the word "therefor," in 6th line thereof.

Which was adopted.

Mr. Dougherty moved to amend by striking out the 64th section;

Which was decided in the negative. Ayes 4, noes 33.

The ayes and noes were demanded by Senators Dougherty and Eddy.

*Those who voted in the affirmative were,*

Senators Delevan, Dougherty, Holloway, and Winstandley.

*Those who voted in the negative were,*

Senators Alexander, Allen, Berry, Brugh, Cravens, Davis, Daw-



son, Eddy, Emerson, Hatfield, Henton, Hester, Hickman, Hunt, James, Kendall, Kinnard, Knowlton, Logan, Mickle, Miller, Milliken, Odell, Reid, Saffer, Scobey, Slack, Sleeth, Todd, Turman, Walker, Washburn, and Witherow.

Mr. Emerson moved to amend as follows:

In the 8th line of the 84th section strike out the words "or in one in this State nearest thereto;"

Which was agreed to.

Mr. Emerson moved to amend as follows:

In the 3rd specification of the 106th section, strike out the words "judgments which are liens upon decedent's real estate;"

Which was decided in the negative. Ayes 17; noes 21.

The ayes and noes were demanded by Senators Emerson and Athon.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Athon, Brugh, Cravens, Davis, Delevan, Emerson, Holloway, Knowlton, Logan, Miller, Odell, Saffer, Teegarden, Turman, and Walker.

*Those who voted in the negative were,*

Senators Berry, Dawson, Dougherty, Eddy, Hanna, Hatfield, Henton, Hester, Hunt, James, Kinnard, Mickle, Milliken, Newland, Reid, Scobey, Slack, Todd, Washburn, Winstandley, and Witherow.

Mr. Emerson moved to amend as follows:

In the 109th section 1st line, strike out the words "one year," and insert the words "eighteen months."

Which was decided in the negative. Ayes 13; noes 22.

The ayes and noes were demanded by Senators Hester and Dougherty.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Athon, Delevan, Emerson, James, Miller, Reid, Saffer, Slack, Teegarden, Todd, and Walker.

*Those who voted in the negative were,*

Senators Berry, Cravens, Dawson, Dougherty, Eddy, Hanna, Hatfield, Henton, Hester, Hickman, Holloway, Hunt, Knowlton, Logan, Mickle, Milliken, Odell, Scobey, Turman, Washburn, Winstandley and Witherow.

Mr. Reid moved to amend as follows:

Add at the section 114, the following proviso: *provided, however,* that any heir, creditor, legatee, or other person, interested in said settlement, for proper cause shown, may open said settlement within five years from the date of said settlement;

Which was decided in the negative. Ayes 14, noes 20.

The ayes and noes were demanded by Senators Reid and Athon.

*Those who voted in the affirmative were,*

Senators Allen, Athon, Berry, Dougherty, Emerson, Holloway, Knowlton, Logan, Miller, Odell, Reid, Todd, Walker and Winstandley.

*Those who voted in the negative were,*

Senators Alexander, Cravens, Dawson, Delevan, Eddy, Hanna, Hatfield, Henton, Hester, Hickman, Hunt, James, Mickle, Milliken, Scobey, Slack, Teegarden, Turman, Washburn and Witherow.

Mr. Scobey moved to amend as follows:

In section 114 insert the following proviso:

*Provided however,* That any person interested in said estate so settled may have said settlement set aside for mistake or fraud, at any time within three years after said settlement and if such person be under any legal disability at the time of said settlement then within three years after the removal of such disability.

Which was agreed to.

On motion by Mr. James,

The Senate adjourned.

2 o'clock, P. M.

The Senate met.

HON. JAMES H. LANE, Lieut. Governor, in the chair.

The reading of Senate bill No. 153, was resumed, when,

Mr. Emerson moved to amend as follows:

In the 121st section in the 6th and 7th lines, strike out the words "or if not, in one in this State nearest thereto, or" and insert the word "and."

Which was agreed to.

Mr. Winstandley moved to amend section 129 by striking out the words "five hundred" and inserting in lieu thereof the words "three hundred."

Which motion prevailed.

Mr. Winstandley moved to amend section 130, by striking out "five hundred" wherever it occurs, and inserting "three hundred."

Which amendment was adopted.

Section 131 was amended in a similar manner to the two previous sections.

Mr. Emerson moved to amend as follows:

Strike out of the 134th section, the words, "and if not, in one in the State, nearest thereto."

Which amendment was adopted.

Mr. Emerson moved to amend as follows:

In the 142d section, strike out all after the word "Treasury" in the 16th line.

Which was agreed to.

Mr. Scobey moved the following amendment:

In section 149, strike out the word "conclusive" and insert the words "prima facie."

Which was adopted.

Mr. Emerson moved to strike out section 162.

Which was agreed to.

Mr. Scobey moved to amend as follows:

In section 173, strike out "one year," and insert "three years," and before the word "fraud" insert "by mistake or."

Which was agreed to.

On motion by Mr. Hester,

The bill was referred to the committee on Revision.

Mr. Eddy moved to take from the table Senate bill

No. 149. A bill for the incorporation of towns, defining their powers, and providing for the election of the officers thereof and declaring their duties.

Which was agreed to.

Mr. Teegarden moved to amend by striking out the words "in number or," wherever they occur in section 46.

Which was decided in the affirmative. Ayes 23; noes 17.

The ayes and noes were demanded by Senators Teegarden and Athon.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Athon, Brugh, Cravens, Davis, Delevan, Dougherty, Emerson, Hanna, Holloway, James, Knowlton, Mickle, Milliken, Newland, Saffer, Spann, Teegarden, Todd, Walker, Washburn, and Winstandley.

*Those who voted in the negative were,*

Senators Berry, Dawson, Eddy, Hatfield, Henton, Hester, Hickman, Hicks, Hunt, Kinnard, Logan, Miller, Reid, Scobey, Slack, Sleeth, and Witherow.

Mr. Eddy moved to strike out the word "value," wherever it occurs in section 46;

Which was agreed to.

Mr. Scobey moved to amend as follows:

Add the following to section 23:

"All prosecutions under this act, or the by-laws of such town corporation, shall be prosecuted before any justice of the peace of said town; and for all violations of the laws governing such town, the process against the defendant shall be a *capias ad respondendum*; and upon all convictions for any such offence, the court or justice of the peace shall make it a part of the judgment in the case that the defendant stand committed till such fine and the costs be paid or replevied; and in all cases of commitment as provided for in this section, said corporation shall have the right to use the county jail for that purpose, at the proper costs of said corporation.

Mr. Teegarden moved to lay the amendment on the table;

Which was decided in the affirmative. Ayes 28; noes 11.

The ayes and noes were demanded by Senators Hicks and Teegarden.

*Those who voted in the affirmative were,*

Senators Berry, Brugh, Cravens, Davis, Dougherty, Eddy, Hatfield, Henton, Hester, Holloway, Hunt, Kinnard, Knowlton, Logan, Mickle, Miller, Newland, Reid, Saffer, Sleeth, Spann, Teegarden, Todd, Turman, Walker, Washburn, Winstandle, and Witherow.

*Those who voted in the negative were,*

Senators Alexander, Allen, Athon, Delevan, Emerson, Hanna, Hicks, James, Milliken, Odell, and Scobey.

Mr. Scobey moved to amend as follows:

At the end of the 6th specification of sec. 22, add the following:

"And to regulate, restrain, or prohibit the sale and use of spirituous or intoxicating liquors.

Mr. Hester moved to lay the amendment on the table;

Which was decided in the affirmative, ayes 29; noes 13.

The ayes and noes were demanded by Senators Hester and Miller.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Berry, Brugh, Cravens, Davis, Delevan, Dougherty, Eddy, Emerson, Hanna, Hatfield, Henton, Hester, Hickman, Hunt, James, Logan, Miller, Newland, Reid, Slack, Sleeth, Spann, Todd, Turman, Walker, Washburn, and Winsteadley.

*Those who voted in the negative were,*

Senators Athon, Dawson, Hicks, Holloway, Kinnard, Knowlton, Mickle, Milliken, Odell, Saffer, Scobey, Teegarden and Witherow.

Mr. Teegarden moved to recommit the bill to the committee on Revision;

Which was agreed to.

#### ORDERS OF THE DAY.

*Bills on their third reading.*

House bill No. 3. A bill to regulate the mode of proceeding against canal companies for failing to construct, build, rebuild, repair, or supply bridges at such places, across such canals as said canals cross any State or county road, or street of a town;

Was read a third time, and

The question being, shall the bill pass?

It was decided in the affirmative—ayes 37, noes 4.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Athon, Berry, Brugh, Cravens, Davis, Dawson, Defrees, Delevan, Dougherty, Eddy, Emerson, Hanna, Henton, Hester, Hicks, Hunt, James, Kinnard, Knowlton, Logan, Mickle, Miller, Milliken, Odell, Saffer, Scobey, Slack, Sleeth, Spann, Teegarden, Todd, Turman, Walker, Washburn, and Witherow.

*Those who voted in the negative were,*

Senators Hatfield, Holloway, Reid, and Winsteadley.

Senate bill No. 151: A bill providing for the government of the State University, the management of its funds, and for the disposition of the lands thereof;

Was read a third time; and

The question being shall the bill pass?

It was decided in the affirmative—ayes 31, noes 3.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Athon, Brugh, Cravens, Davis, Defrees, Delevan, Dougherty, Emerson, Hanna, Henton, Hester, Hicks, Hunt, James, Kinnard, Knowlton, Mickle, Miller, Milliken, Odell, Scobey, Slack, Sleeth, Spann, Todd, Turman, Walker, Washburn, and Windstandley.

*Those who voted in the negative were,*

Senators Hatfield, Holloway, and Witherow.

#### BILLS ON THEIR SECOND READING.

Senate bill No. 155. A bill defining vagrancy, and prescribing punishment therefor;

Was read a second time and ordered to be engrossed for a third reading.

Message from the House of Representatives, by Mr. Sites, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof:

No. 230, entitled "An act to create a special term of the Tippecanoe circuit court;

In which the concurrence of the Senate is respectfully requested.

The accompanying bill was read a first time and passed to a second reading.

Message from the House of Representatives, by Mr. Sites, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bills thereof:

No. 177, entitled "A bill to provide for equalizing the appraisement for taxation of the real property in the State of Indiana."

No. 198, entitled "An act concerning the accumulation, suspension of ownership, and joint tenancy of personal property."

In which the concurrence of the Senate is respectfully requested.

The accompanying bills were each read a first time and passed to a second reading.

Message from the House of Representatives, by Mr. Sites, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof:

No. 201, entitled "An act regulating descents, and the apportionment of estates."

In which the concurrence of the Senate is respectfully requested.

The accompanying bill was read a first time and passed to a second reading.

Message from the House of Representatives, by Mr. Sites, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bills thereof:

No. 194, entitled "An act concerning real property, and the alienation thereof."

No. 212, entitled "An act regulating prosecutions in cases of bastardy, and providing for the support of illegitimate children."

In which the concurrence of the Senate is respectfully requested.

The accompanying bills were each read a first time and passed to a second reading.

On motion by Mr. Emerson,  
The Senate adjourned.

TUESDAY MORNING, 8 o'clock, }  
 May 4th, 1852. }

The Senate met.

and the journal of yesterday was read.

PETITIONS, MEMORIALS AND REMONSTRANCES PRESENTED.

By Mr. Spann:

A remonstrance from citizens of Bartholomew county against the passage of the Maine liquor law;

Which,

On his motion,

Was referred to the committee on Temperance.

By Mr. Odell:

A petition from citizens of Tippecanoe county, asking for the passage of a law similar to the Maine liquor law;

Which,

On his motion,

Was referred to the committee on Temperance.

REPORTS SUBMITTED.

By Mr. Miller, from the committee on Roads:

MR. PRESIDENT:

The committee on Roads, to whom was referred the petition of sundry citizens of Perry county, praying the passage of a law authorizing the owners of coal banks, &c., to construct roads to and from their coal banks, &c., over the lands of other persons, have had the subject under consideration, and inasmuch as there is a provision in the general road law that meets the wishes of the petitioners, your committee respectfully recommend that the petition lie on the table, and ask to be discharged from the further consideration of the subject.

Which was concurred in.

Mr. Holloway moved to take from the table

Senate joint resolution No. 113, "in relation to settlements with the State Printer;



Which was agreed to, when

On motion by Mr. Hester,

It was referred to the committee on Printing.

On motion by Mr. Holloway,

Said committee was authorized to send for persons and papers.

Mr. Hanna moved

That the committee be instructed to inquire whether any illegal charges have been heretofore made.

Which motion prevailed.

#### ORDERS OF THE DAY.

##### *Bills on their Third Reading.*

Senate bill No. 155. A bill defining vagrancy and prescribing punishment therefor;

Was read a third time, and

The question being shall the bill pass?

It was decided in the negative. Ayes 15; noes 23.

*Those who voted in the affirmative were,*

Senators Berry, Cravens, Delevan, Emerson, Hester, Hunt, Kinard, Mickle, Milliken, Reid, Saffer, Scobey, Turman, Walker, and Washburn.

*Those who voted in the negative were,*

Senators Alexander, Allen, Athon, Brugh, Dawson, Dougherty, Hanna, Hatfield, Henton, Hickman, Hicks, Holloway, James, Kendall, Knowlton, Logan, Miller, Odell, Slack, Sleeth, Spann, Teegarden, and Witherow.

#### BILLS ON THEIR SECOND READING.

House bill No. 230. A bill to create a special term of the Tippecanoe circuit court.

Was read a second time; and,

On motion by Mr. Odell,

Laid on the table.

House bill No. 198. A bill concerning the accumulation, suspension of ownership, and joint tenancy of personal property.

Was read a second time and ordered to a third reading.

House bill No. 201. A bill regulating descents, and the apportionment of estates.

Was read a second time; when

Mr. James moved to amend as follows:

Insert in the proper place the following proviso:

*Provided*, That where debts remain due and unpaid by said testator or intestate after the exhaustion of the rest of his property, the widow shall not be at liberty to alien or convey said real estate (unless she satisfy said indebtedness) but the same shall revert at her death for the benefit of the creditors of her deceased husband, or such part thereof as the debts may require.

Which was adopted.

Mr. Scobey moved to amend by striking out the words "two hundred and fifty" and inserting the words "one hundred and fifty."

Mr. Winstandley moved to amend the amendment by striking out "one hundred and fifty" and inserting "three hundred."

Which was decided in the affirmative. Ayes 28; noes 11.

The ayes and noes were demanded by Senators Slack and Scobey.

*Those who voted in the affirmative were,*

Senators Allen, Athon, Brugh, Davis, Delevan, Dougherty, Emerson, Hatfield, Henton, Hester, Hickman, Holloway, Hunt, James, Kinnard, Mickle, Miller, Milliken, Odell, Reid, Saffer, Slack, Sleeth, Spann, Teegarden, Turman, Walker and Winstandley.

*Those who voted in the negative were,*

Senators Alexander, Cravens, Dawson, Hanna, Hicks, Kendall, Knowlton, Logan, Scobey, Washburn and Witherow.

The amendment as amended was then adopted.

Mr. Reid moved to amend as follows:

Strike out the word "four" in the 3rd line of section 23, and insert the word "two," and strike out the word "fifth" in the last line, and insert the words "one third."

Which was adopted.

Mr. Emerson moved to reconsider the vote on the adoption of the amendment proposed by Mr. James.

Which motion prevailed.

The question being on the adoption of the amendment,

It was decided in the negative—ayes 19, noes 21.

The ayes and noes were demanded by Senators James and Henton.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Athon, Berry, Brugh, Cravens, Davis, Delevan, Hatfield, Henton, Holloway, James, Knowlton, Milliken, Reid, Scobey, Washburn, Winstandley and Witherow.

*Those who voted in the negative were,*

Senators Dawson, Dougherty, Eddy, Emerson, Hanna, Hester, Hickman, Hunt, Kendall, Kinnard, Logan, Mickle, Miller, Odell, Saffer, Slack, Sleeth, Spann, Teegarden, Todd and Walker.

Mr. Winstandley moved to refer the bill to the committee on Revision, with the following instructions:

Amend so as to give the widow one-third in fee simple after all the debts shall have been paid, or, at her option, a dower interest during her life, in all real estate of which her husband was seized during coverture, or one-fifth without regard to debts or liabilities.

A division of the question was called for.

The President having decided the question divisible,

And the first question being, Will the Senate refer the bill?

It was decided in the affirmative.

The instructions were then withdrawn.

House bill No. 177. A bill to provide for regulating the appraisement for taxation of the real property in the State of Indiana;

Was read a second time, when

Mr. Teegarden moved to amend by striking out "Fulton," and inserting in lieu thereof "Marshall."

Which was agreed to.

Mr. Berry moved to amend as follows: Strike out from the enacting clause, and insert the following:

That it shall be the duty of the auditor of each county in this State, on or before the first day of January, one thousand eight hundred and fifty-three, and on or before the first day of January every fourth year thereafter, to furnish the proper assessor of property, for the assessment of State and county revenue, the particular tracts of land belonging to each individual within his proper district, as represented in the records of his office; and it shall be the duty of the assessor, when he shall leave the blank schedule with each person to be filled with his taxable personal property, to leave such description of the lands supposed to be by such person owned.

SEC. 2. It shall be the duty of each person in this State, when furnished a list of his taxable property for the year 1853, and every fourth year thereafter, to, under oath, as is required in the assessment of personal property, make a full return of the cash value of all the real estate he shall own in the county where he resides; and for

failing or refusing to do so, such person shall be liable to the same pains and penalties as shall be provided by law for refusing or failing to make out a full return of personal property.

SEC. 3. The assessor shall fix the value on all real estate owned by non-residents, corporations, minors, insane persons and idiots, which assessment shall be subject to the revision of the county commissioners of the county in which the assessment is made.

SEC. 4. When the real estate in this State shall have been valued as contemplated by this act, it shall be the duty of the county auditors of the several counties in this State, to place such property and the value thereof, annually upon the duplicate, and make it chargeable with its proper proportion of the taxes that shall be directed by law.

Mr. Dawson moved to refer the bill and pending amendments to a select committee of one from each congressional district.

Which was agreed to.

Senators Dawson, Hatfield Cravens, Newland, Scobey, Hickman, Todd, Davis, Allen, Walker, and Hunt, were appointed said committee.

House bill No. 194. A bill concerning real property, and the alienation thereof;

Was read a second time and ordered to a third reading.

On motion by Mr. Milliken,

The order of business was suspended, when he introduced

No. 156. A bill to amend acts of incorporation for the construction of plank and turnpike roads;

Which was read a first time and passed to a second reading.

House bill No. 112. A bill regulating prosecutions in cases of bastardy, and providing for the support of illegitimate children,

Was read a second time; when

Mr. Hanna moved to amend as follows:

Insert the word "unmarried" after the word "any" in the first section of said bill.

Mr. Scobey moved to amend by striking out "two years" and inserting "one year."

Which was decided in the negative.

The amendment was ordered to be engrossed and the bill ordered to a third reading.

Message from the House of Representatives by Mr. Sites their clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the Speaker has signed the following enrolled bills thereof: Nos. 193, 205, and 206, which I am directed to bring to the Senate for the signature of the President thereof:

On motion by Mr. Spann,  
The Senate adjourned.

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2 o'clock, P. M.

Senate met.

The special order of the day, being Senate bill 104, was taken up.  
Mr. Emerson moved to lay the bill on the table;  
Which motion prevailed.

Mr. Eddy, from the committee on Corporations, made the following report:

MR. PRESIDENT:

The committee on Corporations, to whom was referred House bill No. 59, "for the incorporation of railroad companies," have had the same under consideration, and a majority of said committee have instructed me to report it back with sundry amendments, and upon their adoption recommend its passage.

1st. Amend section 1st, after the word "least" in the tenth line, by striking out the words "fifty thousand dollars," and inserting "one thousand dollars for each and every mile of the proposed road."

2d. Insert after the word "subscribed," in the first line of the 2d page of said section, the following: "And five dollars on each share actually paid by the persons subscribing the same."

3d. Insert after section 2, the following:

"Such corporation shall after filing a copy of their articles of association in the office of the Secretary of State, present the same to the General Assembly accompanied by a petition which shall set forth the beginning, general course, termination, and important points of such road; and if the General Assembly shall approve of its construction, by the passage of an act or joint resolution declaring the said road to be of public utility, such company shall thereafter be deemed a corporation under the provisions of this act.

4th. Add to the end of the 8th section the following proviso:

"*Provided*, that subscriptions shall not be required to be paid ex-

cept in equal enstalments of not more than ten per cent. a month."

5th. In section 13, insert after the word "canal" in the 3d line of the subdivision, the following :

"So as not to interfere with the free use of the same."

In the same section strike out the 7th subdivision.

6th. In section 14, strike out after the words "for the" in the 4th line, the words "purposes of its incorporation," and insert the words "construction of the track, turn-outs and water-stations."

7th. In section 15, strike out after the words "side tracks" in the 5th line, the words "depots and workshops."

8th. In section 15, fifth page of said section, strike out the words "benefit as well as" in the 7th line, and strike out all after the word "property" in the last line of the page to the words "which they" in the second line of the next page.

9th. Amend section 19 as follows:

Strike out after the word "interest" in the 6th line these words, "as they may deem advisable," and insert the words "as is allowed by the laws of the State;" and after the word "prices" in the 7th line, on the 2d page of said section, strike out the words "they may deem proper," and insert these words, "as permitted by law."

10th. Amend section 23, second page of that section, by inserting after the word "city" in the 11th line the following :

"Or through any land connected with the benevolent or other institutions of the State; or other public grounds belonging to the State in and around the city of Indianapolis, or through the public square of any town, without the consent of the trustees thereof, or across the court house or jail yard, or poor farm of any county, without the consent of the commissioners of the same, entered upon their order book."

11th. Amend section 21, after the word "granted" in the 8th line of the 2nd page of said section by inserting as follows :

"Nor shall any company organized under this act, construct its road on the route of any other company heretofore incorporated, whose franchises have not become forfeited by non user.

12th. In section 23, strike out all after the words "agreed upon" in the 7th line.

13th. In section 36, strike out the words "or any" in the 2nd line.

Strike out after the word "company" in the 6th line all to the word "thereupon" in the 7th line.

When,

On motion by Mr. Eddy,

The accompanying bill was made the special order of the day for Wednesday next at ten o'clock A. M. Ayes 21; noes 19.

The ayes and noes were demanded by Senators. Eddy and Winstandley.

*Those who voted in the affirmative were,*

Senators Alexander, Athon, Brugh, Dawson, Defrees, Eddy, Hanna, Henton, Hickman, James, Kendall, Kinnard, Knowlton, Milliken, Odell, Scobey, Sleeth, Teegarden, Todd, Washburn, and Winstandley.

*Those who voted in the negative were,*

Senators Allen, Berry, Cravens, Davis, Delevan, Dougherty, Emerson, Hatfield, Holloway, Logan, Mickle, Miller, Newland, Reid, Saffer, Slack, Spann, Walker, and Witherow.

On motion by Mr. Milliken,  
House bill, No. 27. A bill for the more uniform mode of doing township business;

Was taken up, when,

Mr. Winstandley moved to refer the bill to the committee on Revision;

Which motion did not prevail.

Mr. Winstandley moved to indefinitely postpone the bill;

Which was decided in the negative. Ayes 9, noes 32.

The ayes and noes were demanded by Senators Winstandley, and Witherow.

*Those who voted in the affirmative were,*

Senators Dougherty, Hatfield, Hunt, James, Kendall, Miller, Newland, Todd, and Winstandley.

*Those who voted in the negative were,*

Senators Alexander, Allen, Athon, Berry, Cravens, Davis, Dawson, Defrees, Delevan, Eddy, Emerson, Hanna, Henton, Hester, Hickman, Holloway, Kinnard, Knowlton, Logan, Mickle, Milliken, Odell, Saffer, Scobey, Slack, Sleeth, Spann, Teegarden, Turman, Walker, Washburn, and Witherow.

Mr. Hester moved to reconsider the vote just taken;

Which was not agreed to.

The bill having been read twice;

On motion by Mr. Eddy,

A call of the Senate was ordered: when,

The following Senators were reported absent:

Senators Longshore, Marshall and Secrest.

On motion,

A further call was suspended.

The question then being, shall the bill be engrossed for a third reading?

It was decided in the affirmative. Ayes 27; noes 16.

The ayes and noes were demanded by Senators Winstandley and Cravens.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Berry, Brugh, Dawson, Defrees, Delevan, Eddy, Hanna, Henton, Hickman, Holloway, James, Kinnard, Knowlton, Mickle, Milliken, Odell, Reid, Saffer, Scobey, Slack, Spann, Teegarden, Turman, Walker, and Washburn.

*Those who voted in the negative were,*

Senators Athon, Cravens, Davis, Dougherty, Emerson, Hatfield, Hester, Hicks, Hunt, Kendall, Logan, Miller, Newland, Todd, Winstandley, and Witherow.

Mr. Hester, from the joint committee on Revision, submitted the following report:

**MR. PRESIDENT:**

The joint committee on Revision, to whom was referred the subject, have instructed me to report a bill authorizing the appointment and prescribing the powers of commissioners in other States, to take acknowledgment of deeds and other instruments and depositions, and to recommend its passage.

The accompanying bill was read a first time, and passed to a second reading.

Mr. Hester, from the same committee, submitted the following report:

**MR. PRESIDENT:**

The joint committee on Revision, to whom was referred the subject, have instructed me to report a bill declaring the law governing this State, and to recommend its passage.

The accompanying bill was read a first time and passed to a second reading.

Mr. Hester, from the same committee, submitted the following report:



**MR. PRESIDENT:**

The joint committee on Revision, to whom was referred the subject, have instructed me to report a bill "touching gaming contracts," and to recommend its passage.

The accompanying bill was read a first time, and passed to a second reading.

Mr. Hester from the same committee, submitted the following report:

**MR. PRESIDENT:**

The joint committee on Revision, to whom was referred the subject, have instructed me to report a bill "touching the marriage relation, and liabilities incident thereto," and to recommend its passage.

The accompanying bill was read a first time and passed to a second reading.

Mr. Hester, from the same committee, submitted the following report:

**MR. PRESIDENT:**

The joint committee on Revision, to whom was referred the subject, have instructed me to report a bill "declaring certain persons privileged from arrest on civil process," and to recommend its passage.

The accompanying bill was read a first time and passed to a second reading.

Mr. Hester from the same committee, submitted the following report:

**MR. PRESIDENT:**

The joint committee on Revision, to whom was referred the subject, have instructed me to report a bill "for the prevention of frauds and perjuries, and requiring certain contracts to be in writing, and declaring certain conveyances, assignments, contracts and mortgages void," and to recommend its passage.

The accompanying bill was read a first time and passed to a second reading.

Mr. Hester, from the same committee, submitted the following report:

MR. PRESIDENT:

The joint committee on Revision, to whom was referred Senate bill No. 153—a bill providing for the settlement of decedents' estates, prescribing the rights, liabilities and duties of officers connected with the management thereof, and of the heirs thereto, and certain forms to be used in such settlement—have had the same under consideration and directed me to report it back for the action of the Senate.

Mr. Emerson moved that the bill be considered as engrossed, and read a third time now;

Which was agreed to.

The bill was read a third time,

And the question being, shall the bill pass?

It was decided in the negative for want of a quorum voting—  
ayes 27, noes 3.

*Those who voted in the affirmative were,*

Senators Allen, Athon, Berry, Brugh, Cravens, Dawson, Delevan, Eddy, Emerson, Hanna, Henton, Hickman, Hunt, James, Kendall, Kinnard, Knowlton, Mickle, Milliken, Odell, Reid, Saffer, Scobey, Spann, Teegarden, Todd, Walker, Washburn, and Winsteadley.

*Those who voted in the negative were,*

Senators Defrees, Holloway, and Witherow.

No quorum voted.

On motion by Mr. Defrees,

The Senate adjourned.

WEDNESDAY MORNING, }  
May 5, 1852. }

The Senate met.

The journal of yesterday was read.

The question pending at the adjournment on yesterday being on the passage of Senate bill No. 153, "a bill providing for the settlement of decedents' estates, prescribing the rights, liabilities and duties of officers connected with the management thereof, and of the heirs thereto, and certain forms to be used in such settlements," was resumed.

The question being, shall the bill pass?

It was decided in the affirmative—ayes 37, noes 4.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Berry, Brugh, Cravens, Davis, Defrees, Delevan, Eddy, Emerson, Hanna, Hatfield, Henton, Hester, Hickman, Hunt, James, Kendall, Kinnard, Knowlton, Logan, Longshore, Mickle, Milliken, Newland, Odell, Reid, Saffer, Slack, Sleeth, Spann, Teegarden, Todd, Turman, Walker, Washburn, and Winsteadley.

*Those who voted in the negative were,*

Senators Dougherty, Miller, Scobey, and Witherow.

#### PETITIONS, MEMORIALS, &C., PRESENTED.

By Mr. Delevan:

From citizens of Morgan county, both ladies and gentlemen, on the subject of temperance;

Which,

On his motion,

Were referred to the committee on that subject.

By Mr. Dougherty;

From citizens of the county of Tipton, on the subject of temperance;

Which,

On his motion,

Were referred to the committee on that subject.

By Mr. Alexander:

Two petitions from citizens of the State on the same subject;

Which,

On his motion,  
Were referred to the same committee.

By Mr. Hickman:

From citizens of the State, on the same subject;  
Which,

On his motion,  
Was referred to the same committee.

By Mr. Henton:

From citizens of the county of Miami, on the same subject;  
Which,

On his motion,  
Was referred to the same committee.

By Mr. Davis:

From citizens of the State, on the same subject;  
Which,

On his motion,  
Was referred to the same committee.

By Mr. Defrees:

From citizens of the county of Elkhart, on the same subject;  
Which,

On his motion,  
Was referred to the same committee.

By Mr. Longshore:

From citizens of the State, on the same subject;  
Which,

On his motion,  
Was referred to the same committee.

By Mr. James:

From citizens of the county of Posey, on the same subject;  
Which,

On his motion,  
Was referred to the same committee.

By Mr. Kinnard:

From citizens of the State, on the same subject;  
Which,

On his motion,  
Was referred to the same committee.

By Mr. Hunt:

From citizens of the county of Madison, on the same subject;  
Which,

On his motion,  
Was referred to the same committee.

By Mr. Hester:

From citizens of the county of Monroe, on the same subject;  
Which,

On his motion,  
Were referred to the committee on Temperance.

## ORDERS OF THE DAY.

*House Bills on their Third Reading.*

No. 194. A bill concerning real property, and the division thereof;

Was read a third time and passed—ayes 31, noes 9.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Berry, Brugh, Cravens, Davis, Delevan, Eddy, Emerson, Hatfield, Henton, Hester, Hickman, Hunt, James, Kendall, Kinnard, Longshore, Mickle, Miller, Milliken, Newland, Reid, Saffer, Slack, Sleeth, Todd, Turman, Walker, Washburn, and Witherow.

*Those who voted in the negative were,*

Senators Athon, Defrees, Dougherty, Holloway, Logan, Odell, Scobey, Teegarden, and Winstandley.

No. 198. A bill concerning the accumulation, suspension of ownership and joint tenancy of personal property;

Was read a third time and passed—ayes 33, noes 9.

*Those who voted in the affirmative were,*

Senators Alexander, Athon, Brugh, Cravens, Davis, Delevan, Eddy, Emerson, Hatfield, Henton, Hester, Hickman, Hicks, Hunt, James, Kendall, Kinnard, Knowlton, Logan, Longshore, Mickle, Milliken, Newland, Odell, Reid, Saffer, Slack, Sleeth, Spann, Todd, Turman, Walker, and Washburn.

*Those who voted in the negative were,*

Senators Athon, Defrees, Dougherty, Holloway, Miller, Scobey, Teegarden, Winstandley, and Witherow.

No. 212. A bill to regulate prosecutions in cases of bastardy, and providing for the support of illegitimate children;

Was read a third time and passed—ayes 37, noes 4.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Athon, Berry, Brugh, Cravens, Defrees,

Delevan, Dougherty, Eddy, Emerson, Hatfield, Henton, Hickman, Hicks, Holloway, Hunt, Kendall, Knowlton, Logan, Longshore, Mickle, Milliken, Newland, Odell, Reid, Saffer, Slack, Sleeth, Spann, Teegarden, Todd, Turman, Walker, Washburn, Winstandley, and Witherow.

*Those who voted in the negative were,*

Senators Hanna, Kinnard, Miller, and Scobey.

No. 27. A bill for the more uniform mode of doing township business.

Was read a third time; and

The question being shall the bill pass?

It was decided in the affirmative—ayes 30; noes 14.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Athon, Berry, Brugh, Dawson, Defrees, Delevan, Eddy, Hanna, Henton, Hickman, Holloway, James, Kinnard, Knowlton, Longshore, Mickle, Milliken, Odell, Reid, Saffer, Scobey, Slack, Spann, Teegarden, Todd, Turman, Walker and Washburn.

*Those who voted in the negative were,*

Senators Cravens, Dougherty, Emerson, Hatfield, Hester, Hicks, Hunt, Kendall, Logan, Miller, Newland, Sleeth, Winstandley and Witherow.

Mr. Berry moved to reconsider the vote on the passage of the bill. Which was not agreed to.

#### SENATE BILLS ON THEIR SECOND READING.

No. 158. A bill declaring the law governing this State.

Was read a second time, and ordered to be engrossed for a third reading.

No. 157. A bill authorizing the appointment and prescribing the powers of commissioners in other States to take acknowledgments of deeds, and other instruments, and depositions.

Was read a second time, and ordered to be engrossed for a third reading.

No. 160. A bill touching the marriage relation and liabilities incident thereto.

Was read second time, and ordered to be engrossed for a third reading.

No. 161. A bill declaring certain persons privileged from arrest on civil process.

Was read a second time; when,

Mr. Hester moved to amend by adding the following specification to section 1:

7. All persons while actually engaged in the discharge of military duty.

Which was agreed to, and the bill ordered to be engrossed.

No. 159. A bill touching gaming contracts.

Was read a second time, and ordered to be engrossed for a third reading.

No. 156. A bill to amend acts of incorporation for the construction of Plank and Turnpike roads.

Was read a second time, when

Mr. Mickle moved to refer the bill to the committee on Corporations.

Which was agreed to.

The hour of ten having arrived, the special order of the day, being House bill

No. 59. A bill to provide for the incorporation of Road companies, and pending amendments,

Were taken up, when,

Mr. Eddy moved that the Senate resolve itself into the committee of the Whole, on House bill No. 59.

Which was not agreed to.

The question then being, will the Senate adopt the 1st amendment of the committee?

Mr. Berry moved to lay the amendment on the table.

Which was decided in the negative—ayes 22, noes 22.

The ayes and noes were demanded by Senators Eddy and Scobey.

*Those who voted in the affirmative were,*

Senators Allen, Berry, Davis, Delevan, Dougherty, Emerson, Hester, Holloway, James, Kendall, Logan, Longshore, Mickle, Miller, Newland, Odell, Reid, Saffer, Slack, Spann, Walker, and Witherow.

*Those who voted in the negative were,*

Senators Alexander, Athon, Brugh, Cravens, Dawson, Defrees, Eddy, Hanna, Hatfield, Henton, Hickman Hicks, Hunt, Kinnard, Knowlton, Milliken, Scobey, Sleeth, Teegarden, Todd, Washburn, and Winstandley.

Mr. Eddy moved to amend by striking out the words "fifty thousand" in the 1st section, and amend so as to read "one thousand dollars per mile."

Which was decided in the affirmative—ayes 26; noes 17.

The ayes and noes were demanded by Senators Emerson and Winstandley.

*Those who voted in the affirmative were,*

Senators Alexander, Athon, Berry, Brugh, Cravens, Davis, Dawson, Defrees, Delevan, Eddy, Hanna, Hatfield, Henton, Hickman, Hicks, Hunt, Kinnard, Knowlton, Logan, Mickle, Milliken, Reid, Scobey, Todd, Washburn, and Winstandley.

*Those who voted in the negative were,*

Senators Allen, Dougherty, Emerson, Hester, Holloway, James, Kendall, Longshore, Miller, Newland, Odell, Saffer, Slack, Spann, Teegarden, Walker, and Witherow.

The second amendment of the committee was then adopted.

The question being, will the Senate adopt the 3d amendment of the committee?

On motion by Mr. Scobey,

The Senate adjourned.

2 o'clock, P. M.

The Senate met.

The consideration of the 3d amendment to House bill No. 59, pending at adjournment was resumed.

On motion by Mr. Slack,

A call of the Senate was ordered.

Upon calling the roll the following Senators were absent:

Senators Marshall and Secrest.



Mr. Slack moved to suspend the call.

Which was agreed to.

Mr. Hanna moved to refer the bill and pending amendments to a select committee of one from each congressional district;

Which was decided in the negative. Ayes 14; noes 31.

The ayes and noes were demanded by Senators Emerson and Slack.

*Those who voted in the affirmative were,*

Senators Alexander, Athon, Brugh, Defrees, Hanna, Hatfield, Henton, Kinnard, Knowlton, Milliken, Scobey, Sleeth, Teegarden, and Winstandley.

*Those who voted in the negative were,*

Senators Allen, Berry, Cravens, Davis, Dawson, Delevan, Dougherty, Eddy, Emerson, Hester, Hickman, Hicks, Holloway, Hunt, James, Kendall, Logan, Longshore, Mickle, Miller, Newland, Odell, Reid, Saffer, Slack, Spann, Todd, Turman, Walker, Washburn, and Witherow.

The question being on the adoption of the amendment;

It was decided in the negative. Ayes 13; noes 32.

The ayes and noes were demanded by Senators Emerson and Slack.

*Those who voted in the affirmative were,*

Senators Athon, Brugh, Defrees, Eddy, Hatfield, Henton, Hickman, Kinnard, Knowlton, Milliken, Scobey, Sleeth, and Teegarden.

*Those who voted in the negative were,*

Senators Alexander, Allen, Berry, Cravens, Davis, Dawson, Delevan, Dougherty, Emerson, Hanna, Hester, Hicks, Holloway, Hunt, James, Kendall, Logan, Longshore, Mickle, Miller, Newland, Odell, Reid, Saffer, Slack, Spann, Todd, Turman, Walker, Washburn, Winstandley, and Witherow.

The 4th, 5th, 6th, 7th, 8th, 9th and 10th amendments, were then severally adopted

On motion by Mr. Slack,

The 12th amendment was laid on the table. Ayes 23; noes 20.

The ayes and noes were demanded by Senators Emerson and Slack.

*Those who voted in the affirmative were,*

Senators Allen, Berry, Dawson, Delevan, Dougherty, Emerson, Hester, Holloway, Hunt, James, Logan, Longshore, Mickle, Miller, Newland, Odell, Saffer, Slack, Todd, Turman, Walker, Washburn, and Witherow.

*Those who voted in the negative were,*

Senators Athon, Brugh, Cravens, Defrees, Eddy, Hanna, Hatfield, Henton, Hickman, Hicks, Kendall, Kinnard, Knowlton, Milliken, Reid, Scobey, Sleeth, Spann, Teegarden, and Winstandley.

Mr. Slack moved to amend as follows. Add the following section:

SEC. —. That whenever any company shall incorporate under the provisions of this act, the individuals constituting such company and subscribing stock thereto, shall be held individually liable to the amount of their stock subscribed, after the property belonging to said corporation shall have been exhausted in the payment of debts against said company, for all debts and claims against said company contracted, contracted by said company, or for damages sustained by individuals in consequence of acts done by said company in constructing said road.

Which was adopted.

Mr. Eddy moved to amend as follows:

But no road authorized to be constructed under the provisions of this act, shall, for any distance exceeding ten miles, run parallel to, or in the general direction of, the Wabash and Erie canal, so as to touch any point within twenty miles of the same.

Mr. Slack moved to lay the amendment on the table;

Which was decided in the affirmative. Ayes 34; noes 9.

The ayes and noes were demanded by Senators Eddy and Henton.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Berry, Brugh, Cravens, Davis, Dawson, Defrees, Delevan, Emerson, Hatfield, Hester, Henton, Hickman, Hicks, Holloway, Hunt, James, Kendall, Kinnard, Logan, Longshore, Mickle, Newland, Odell, Reid, Saffer, Slack, Spann, Todd, Turman, Walker, Washburn, and Witherow.

*Those who voted in the negative were,*

Senators Athon, Eddy, Knowlton, Miller, Milliken, Scobey, Sleeth, Teegarden, and Winstandley.

Mr. Brugh moved to amend as follows:

Amend in the proper place so that no road organized under this act shall run parallel with any road heretofore chartered, nearer than ten miles.

Mr. Berry moved to lay the amendment on the table.

Which was decided in the affirmative. Ayes 32; noes 10.

The ayes and noes were demanded by Senators Eddy and Brugh.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Berry, Cravens, Davis, Dawson, Delevan, Dougherty, Eddy, Emerson, Hatfield, Hester, Hickman, Hicks, Holloway, Hunt, James, Kendall, Kinnard, Logan, Longshore, Mickle, Miller, Newland, Odell, Reid, Saffer, Slack, Todd, Walker, Washburn, and Witherow.

*Those who voted in the negative were,*

Senators Athon, Brugh, Defrees, Henton, Knowlton, Milliken, Scobey, Sleeth, Teegarden, and Winsteadley.

Mr. Defrees moved to amend as follows:

Add to section thirteen as follows—

*Provided*, That no company organized under the provisions of this act, shall be authorized to construct a railroad running parallel, in the same general direction, nearer than twelve miles of any other railroad the company of which is now organized, until one year after the completion of the same, if such company shall not cease operations upon their line of road for a longer time than thirty days.

Mr. Berry moved to lay the amendment on the table;

Which motion prevailed—ayes 31, noes 12.

The ayes and noes were demanded by Senators Berry and Mickle.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Berry, Cravens, Davis, Dawson, Delevan, Dougherty, Emerson, Hatfield, Hester, Hickman, Holloway, Hunt, James, Kendall, Kinnard, Logan, Longshore, Mickle, Miller, Newland, Odell, Reid, Saffer, Slack, Spann, Todd, Walker, Washburn, and Witherow.

*Those who voted in the negative were,*

Senators Athon, Brugh, Defrees, Eddy, Henton, Hicks, Knowlton, Milliken, Scobey, Sleeth, Teegarden, and Winsteadley.

Mr. Milliken moved to amend as follows:

Strike out all that part of the bill which authorizes corporations formed under this law to seize and condemn property to the use of such company.

Mr. Berry moved to lay the amendment on the table;  
Which was decided in the affirmative. Ayes 28; noes 14.  
The ayes and noes were demanded by Senators Berry and Hunt.

*Those who voted in the affirmative were,*

Senators Allen, Berry, Cravens, Dawson, Defrees, Delevan, Dougherty, Emerson, Hickman, Hicks, Holloway, Hunt, James, Kendall, Logan, Longshore, Mickle, Miller, Newland, Odell, Reid, Saffier, Slack, Spann, Todd, Walker, Washburn, and Witherow.

*Those who voted in the negative were,*

Senators Alexander, Athon, Brugh, Davis, Eddy, Hatfield, Henton, Kinnard, Knowlton, Milliken, Scobey, Sleeth, Teegarden, and Winstandley.

Mr. Berry moved a call of the Senate;  
Which was ordered.  
On calling the roll, the following Senators were absent :

Senators Hanna, Marshall, Secrest, and Turman.

Mr. Winstandley moved that the absentees be sent for;  
Which motion prevailed.

When,

Mr. Berry moved to suspend the further call;  
Which was agreed to.

The question then being will the Senate adopt the amendment of the committee to section 23?

Mr. Berry moved to lay the amendment on the table;  
Which was decided in the affirmative. Ayes 24; noes 19.

The ayes and noes were demanded by Senators Eddy and Sleeth.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Berry, Davis, Delevan, Dougherty, Emerson, Hester, Holloway, Hunt, James, Kendall, Logan, Longshore, Miller, Newland, Odell, Slack, Spann, Todd, Turman, Walker, Washburn, and Witherow.

*Those who voted in the negative were,*

Senators Athon, Brugh, Cravens, Dawson, Defrees, Eddy, Hatfield, Henton, Hickman, Hicks, Kinnard, Knowlton, Mickle, Milliken, Reid, Scobey, Sleeth, Teegarden, and Winsteadley.

Mr. Berry moved to add to section 23:

Such road shall not be located within one hundred yards of the Asylums for the Deaf and Dumb, the Blind, or the Hospital for the Insane, and when such road shall pass near either of said buildings, the company shall erect and maintain a good plank fence at least six feet in height on the side of the road next to either of said buildings.

Mr. Mickle moved to amend by striking out "one hundred" and inserting "three hundred."

Which motion prevailed—ayes 28, noes 15.

The ayes and noes were demanded by Senators Mickle and Berry.

*Those who voted in the affirmative were,*

Senators Athon, Brugh, Cravens, Davis, Dawson, Defrees, Dougherty, Eddy, Hatfield, Henton, Hester, Hickman, Hicks, Hunt, Kendall, Kinnard, Knowlton, Mickle, Milliken, Reid, Scobey, Slack, Sleeth, Spann, Teegarden, Todd, Turman, and Witherow.

*Those who voted in the negative were,*

Senators Alexander, Allen, Berry, Delevan, Emerson, Holloway, James, Logan, Longshore, Miller, Newland, Odell, Saffer, Walker, and Washburn.

When,

Mr. Berry moved to amend by striking out that portion of the amendment which requires a fence;

Which motion did not prevail—ayes 7, noes 36.

The ayes and noes were demanded by Senators Athon and James.

*Those who voted in the affirmative were,*

Senators Berry, Holloway, Logan, Newland, Odell, Washburn, and Witherow.

*Those who voted in the negative were,*

Senators Alexander, Allen, Athon, Brugh, Cravens, Davis, Daw-

son, Defrees, Delevan, Dougherty Eddy, Emerson, Hatfield, Henton, Hester, Hickman, Hicks, Hunt, James, Kendall, Kinnard, Knowlton, Longshore, Mickle, Miller, Milliken, Reid, Saffer, Scobey, Slack, Spann, Teegarden, Todd, Turman, Walker, and Witherow.

Mr. Dawson moved the previous question;

Which being seconded,

The question was, shall the main question be now put?

Which was decided in the affirmative.

The question then being, shall the amendment be engrossed and the bill ordered to a third reading?

It was decided in the affirmative—ayes 30, noes 14.

The ayes and noes were demanded by Senators Berry and Mickle.

*Those who voted in the affirmative were,*

Senators Allen, Berry, Cravens, Davis, Dawson, Delevan, Dougherty, Emerson, Hester, Hickman, Hicks, Holloway, Hunt, James, Kendall, Logan, Longshore, Mickle, Miller, Newland, Odell, Reid, Saffer, Slack, Spann, Todd, Turman, Walker, Washburn, and Witherow.

*Those who voted in the negative were,*

Senators Alexander, Athon, Brugh, Defrees, Eddy, Hatfield, Henton, Kinnard, Knowlton, Milliken, Scobey, Sleeth, Spann, and Winstandley.

When,

On motion by Mr. Logan,

The Senate adjourned.

THURSDAY MORNING, 8½ o'clock, }  
May 6th, 1852. }

The Senate met.

The journal of yesterday was read.

PETITIONS, MEMORIALS AND REMONSTRANCES PRESENTED.

By Mr. Hunt:

A remonstrance from 300 voters of Madison county, against the passage of the Maine liquor law;

Which,

On his motion,

Was referred to the committee on Temperance.

By Mr. Odell:

A petition from citizens of Tippecanoe county, asking the passage of the Maine liquor law;

Which,

On his motion,

Was referred to the same committee.

By Mr. Hickman:

A petition from ladies of Henry county, asking the passage of a law similar in its character to the Maine liquor law;

Also, from male citizens of the same county, on the same subject;

Which,

On his motion,

Were referred to the committee on Temperance.

By Mr. Reid;

A petition from ladies of Union county, asking the passage of the Maine liquor law;

Which was,

On his motion,

Referred to the committee on Temperance.

By Mr. Holloway;

A petition from citizens of Wayne county, asking the passage of a law similar to the Maine liquor law;

Which,

On his motion,

Was referred to the committee on Temperance.

## REPORTS SUBMITTED.

By Mr. Winstandley, from the committee on Finance:

MR. PRESIDENT:

The committee on Finance to whom was referred a petition of the different fire companies of the city of Indianapolis, in reference to sinking a cistern near the State House with a view to the better protection from loss by fire of the property of the State," have had the petition under consideration and directed me to report it back to the Senate, and recommend that it be referred to the joint committee on public buildings.

Which was concurred in.

By Mr. Hester, from the joint committee on Revision:

MR. PRESIDENT:

The select joint committee on Revision, to whom was referred Senate bill No. 44, "an act to authorize the taking of the depositions of the superintendent of the asylum for the insane," have had the same under consideration, and have incorporated the provisions of the bill in a general law, and have therefore directed me to report the same back and respectfully recommend that it be laid on the table.

Which was concurred in.

By Mr. Hester, from the same committee:

MR. PRESIDENT:

The select joint committee on Revision, to whom was referred bill of the Senate No. 66, entitled "a bill creating a State Board of Equalization, defining their duties, their compensation and duties of county auditors under this bill," have had the same under consideration, and have instructed me to report it back to the Senate with the recommendation that it be indefinitely postponed.

Which was concurred in.

By Mr. Hester, from the same committee:

MR. PRESIDENT:

The select joint committee on Revision, to whom was referred Senate bill No. 86, "an act to amend section two of an act for



the illegal reduction of the aggregate valuation of real estate, &c.," have had the same under consideration, and have directed me to report the same back with a recommendation that it be laid on the table.

Which was concurred in.

By Mr. Hester, from the same committee:

**MR. PRESIDENT:**

The joint committee on Revision to whom was referred Senate bill No. 19, entitled "an act prescribing rules for the institution and carrying on of prosecutions for offences against the criminal laws, and modifying the Grand Jury as permitted by the constitution, have had the same under consideration, and have directed me to report the same back, and recommend that it be laid on the table, it being already provided for by an act passed at this session; and they ask to be discharged from the further consideration thereof.

Which was concurred in.

Mr. Berry moved to reconsider the vote indefinitely postponing Senate bill No. 66;

Which was agreed to.

Mr. Holloway moved to lay the bill on the table;

Which was agreed to.

Mr. Hester from the committee on Revision submitted the following report.

**MR. PRESIDENT:**

The joint committee on Revision, to whom was referred Senate bill No. 53, entitled "an act to create a fee fund, and to regulate the fees of the clerk of the circuit court and court of common pleas," have had the same under consideration, and have instructed me to report the bill back to the Senate, with the recommendation that it be laid on the table.

Which was concurred in.

By Mr. Hester, from the same committee:

**MR. PRESIDENT:**

The select joint committee on Revision, to whom was referred Senate bill No. 43, entitled "an act to lay off the State into districts for the election of representatives to the Congress of the United States," have had the subject of the bill under consideration, and

have instructed me to report the same back to the Senate with the recommendation that it be laid on the table.

Which was concurred in.

By Mr. Eddy, from the same committee:

MR. PRESIDENT:

The joint committee on Revision, to whom was referred Senate bill No. 149, in relation to the incorporation of towns, have had the same under consideration, and have instructed me to report the bill to the Senate with the amendments directed by the Senate to be made to the same, and recommend its passage.

Amend as follows:

SEC. 54. Any person violating the provisions of any ordinance of a town organized under this act, to which there may be a penalty affixed, may be prosecuted before a justice of the peace of such town upon a warrant issued by such justice, as in cases of misdemeanors; and such person, upon conviction, shall stand committed until the fine and costs are paid or replevied.

Which was concurred in.

The question then being, shall Senate bill No. 149, a bill for the incorporation of towns, defining their powers, providing for the election of the officers thereof, and declaring their duties, pass?

It was decided in the affirmative. Ayes 32; noes 10.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Athon, Cravens, Dawson, Delevan, Eddy, Emerson, Henton, Hester, Hickman, Hicks, Holloway, Hunt, James, Kendall, Kinnard, Knowlton, Logan, Longshore, Mickle, Milliken, Newland, Odell, Reid, Saffer, Scobey, Sleeth, Spann, Turman, Walker, and Washburn.

*Those who voted in the negative were,*

Senators Berry, Brugh, Davis, Defrees, Dougherty, Hanna, Slack, Teegarden, Winstandley, and Witherow.

By Mr. Reid, from the same committee:

MR. PRESIDENT:

The joint committee on Revision, to whom was referred the subject, have instructed me to report a bill authorizing proceedings to

try the right of property seized by virtue of any writ of execution or attachment, and claimed by any person other than the execution or attachment defendant; and to recommend its passage.

The accompanying bill was read a first time and passed to a second reading.

On motion by Mr. Reid,

The order of business was suspended.

The following message was received from the House of Representatives, by Mr. Sites, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has concurred in the 1st, 3d, 5th, 6th, 7th, 8th, 9th, 10th, 11th, 12th, 13th, 14th, 16th, 17th, 19th, 20th, and 21st engrossed amendments of the Senate to House bill No. 70, "a bill to establish courts of common pleas, and defining the jurisdiction and duties, and providing compensation for the judges thereof," and that the House refuse to concur in 4th, 15th and 18th amendments thereto; and also have concurred in the 2d engrossed amendment, with the following amendment thereto, in which the concurrence of the Senate is respectfully requested.

The question being, Will the Senate insist on their 4th amendment? It was decided in the affirmative.

The question then being, Will the Senate insist on their 15th amendment?

It was decided in the affirmative. Ayes 26; noes 15.

The ayes and noes were demanded by Senators Reid and Dawson.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Athon, Berry, Brugh, Cravens, Dawson, Defrees, Dougherty, Emerson, Hanna, Hickman, Hicks, Holloway, Hunt, Knowlton, Logan, Mickle, Milliken, Newland, Saffer, Scobey, Spann, Teegarden, Washburn and Winstandley.

*Those who voted in the negative were,*

Senators Delevan, Eddy, Henton, Hester, James, Kendall, Kinard, Longshore, Miller, Odell, Reid, Sleeth, Turman, Walker and Witherow.

The question being, Will the Senate insist on their 18th amendment?

It was decided in the affirmative. Ayes 27; noes 16.

The ayes and noes were demanded by Senators Reid and Mickle.

*Those who voted in the affirmative were,*

Senators Alexander, Athon, Berry, Brugh, Cravens, Dawson, Delevan, Dougherty, Emerson, Hanna, Hatfield, Hickman, Holloway, Hunt, James, Kinnard, Knowlton, Mickle, Milliken, Newland, Reid, Saffer, Scobey, Spann, Todd, Walker, and Washburn.

*Those who voted in the negative were,*

Senators Allen, Defrees, Eddy, Henton, Hester, Hicks, Kendall, Logan, Longshore, Miller, Odell, Sleeth, Teegarden, Turman, Winstandley, and Witherow.

Mr. Hester moved that the Senate refuse to concur in the amendments of the House to engrossed amendment of the Senate to engrossed bill of the House No. 70.

Which was decided in the affirmative.

#### ORDERS OF THE DAY.

##### *Senate Bills on their Third Reading.*

No. 157. A bill authorizing the appointment, and prescribing the powers of commissioners in other States to take acknowledgments of deeds, and other instruments, and depositions;

Was read a third time and passed. Ayes 37; noes none.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Athon, Berry, Brugh, Cravens, Defrees, Delevan, Dougherty, Emerson, Hatfield, Henton, Hickman, Hicks, Holloway, Hunt, James, Kendall, Kinnard, Knowlton, Logan, Mickle, Miller, Milliken, Newland, Odell, Reid, Saffer, Scobey, Slack, Spann, Teegarden, Todd, Walker, Washburn, Winstandley, and Witherow.

No. 158. A bill declaring the law governing this State;

Was read a third time and passed. Ayes 32; noes 6.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Athon, Berry, Brugh, Cravens, Dawson, Delevan, Dougherty, Emerson, Hatfield, Henton, Hester, Hick-

man, Holloway, Hunt, James, Kendall, Kinnard, Knowlton, Miller, Newland, Odell, Reid, Saffer, Slack, Spann, Teegarden, Todd, Walker, Washburn, and Witherow.

*Those who voted in the negative were,*

Senators Hanna, Logan, Mickle, Milliken, Scobey, and Winstandley.

No. 159. A bill touching gaming contracts;  
Was read a third time and passed. Ayes 39; noes 1.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Athon, Berry, Brugh, Cravens, Dawson, Delevan, Dougherty, Emerson, Hanna, Hatfield, Henton, Hester, Hickman, Hicks, Hunt, Kendall, Kinnard, Knowlton, Logan, Longshore, Mickle, Miller, Milliken, Newland, Odell, Reid, Saffer, Scobey, Slack, Spann, Teegarden, Todd, Turman, Walker, Washburn, Winstandley, and Witherow.

Senator James voted in the negative.

No. 160. A bill touching the marriage relation, and liabilities incident thereto;

Was read a third time, when

Mr. Emerson moved to lay the bill on the table;

Which motion did not prevail.

The question then being, shall Senate bill No. 160 pass?

It was lost for the want of a constitutional majority. Ayes 25; noes 17.

*Those who voted in the affirmative were,*

Senators Alexander, Athon, Cravens, Delevan, Hanna, Hatfield, Hester, Hickman, Hicks, Hunt, James, Kendall, Kinnard, Knowlton, Logan, Longshore, Mickle, Miller, Newland, Reid, Saffer, Slack, Todd, Turman and Washburn.

*Those who voted in the negative were,*

Senators Allen, Berry, Brugh, Dawson, Defrees, Dougherty, Emerson, Henton, Holloway, Milliken, Odell, Scobey, Spann, Teegarden, Walker, Winstandley and Witherow.

No. 161. A bill declaring certain persons privileged from arrest on civil process.

Was read a third time, and

The question being, shall the bill pass?

It was decided in the affirmative. Ayes 30; noes 9.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Athon, Berry, Brugh, Cravens, Dawson, Delevan, Dougherty, Emerson, Hanna, Hatfield, Hickman, Hicks, Holloway, Hunt, James, Kendall, Kinnard, Knowlton, Logan, Longshore, Mickle, Miller, Milliken, Newland, Odell, Reid, Todd and Winstandley.

*Those who voted in the negative were,*

Senators Henton, Scobey, Slack, Spann, Teegarden, Turman, Walker, Washburn and Witherow.

Mr. Saffer was excused from voting.

On motion,

The vote just taken was reconsidered.

Mr. Slack moved to recommit the bill to a select committee.

Which was agreed to.

Senators Slack, Hester and Mickle were appointed said committee.

House bill No. 59. A bill to provide for the incorporation of Rail Road companies.

Was upon its second reading; when,

Mr. Slack moved a call of the Senate,

Which was ordered.

Upon calling the roll the following Senators were absent:

Senators Eddy, Kendall, Marshall, Secrest and Sleeth.

On motion by Mr. Mickle,

The further call was dispensed with.

Mr. Reid moved to reconsider the vote ordering the bill to be engrossed.

Which was decided in the affirmative. Ayes 21; noes 18.

The ayes and noes were demanded by Senators Reid and Berry.

*Those who voted in the affirmative were,*

Senators Alexander, Athon, Brugh, Cravens, Davis, Dawson, Delevan, Delevan, Hanna, Hatfield, Henton, Hickman, Hicks, Hunt, Kinnard, Longshore, Milliken, Reid, Teegarden, Washburn and Winstandley.

*Those who voted in the negative were,*

Senators Allen, Berry, Dougherty, Emerson, Hester, Holloway, James, Kendall, Mickle, Miller, Newland, Odell, Slack, Spann, Todd, Turman, Walker and Witherow.

Mr. Cravens moved to reconsider the vote seconding the previous question;

Which was agreed to.

Mr. Reid moved to amend as follows:

Amend section 13, specification 6th, by adding the following:

*Provided, however,* That no company having a terminus out of this State shall be authorized to adopt the provisions of this act, so as to cross, unite with, or tap any railroad having a terminus in this State, within five miles of any of the principal termini, unless by and with the consent of the company to whom said road belongs.

Which was adopted—ayes 23, noes 18.

The ayes and noes were demanded by Senators Berry and Hester.

*Those who voted in the affirmative were,*

Senators Alexander, Athon, Brugh, Cravens, Dawson, Defrees, Del-  
evan, Hanna, Hatfield, Henton, Hickman, Hicks, Hunt, Kinnard,  
Knowlton, Milliken, Reid, Scobey, Sleeth, Teegarden, Todd, Win-  
standley, and Witherow.

*Those who voted in the negative were,*

Senators Allen, Berry, Davis, Dougherty, Emerson, Hester, Hol-  
loway, James, Kendall, Logan, Longshore, Mickle, Miller, Newland,  
Slack, Spann, Turman, and Walker.

Mr. Hanna moved to

Amend the 5th specification of section — by striking out the word  
“upon” in the first line.

Which was decided in the negative. Ayes 15, noes 29.

The ayes and noes were demanded by Senators Hanna and Mil-  
liken.

*Those who voted in the affirmative were,*

Senators Alexander, Defrees, Hanna, Hatfield, Henton, Hester,  
Hickman, Kinnard, Knowlton, Milliken, Scobey, Sleeth, Teegarden,  
Washburn, and Winstandley.

*Those who voted in the negative were,*

Senators Allen, Athon, Berry, Brugh, Cravens, Davis, Dawson, Delevan, Dougherty, Emerson, Hicks, Holloway, Hunt, James, Kendall, Logan, Longshore, Mickle, Miller, Newland, Odell, Reid, Saffer, Slack, Spann, Todd, Turman, Walker, and Witherow.

Mr. Reid moved the previous question ;  
Which was not seconded.

Mr. Emerson moved that the amendments be considered as engrossed, and the bill ordered to a third reading ;  
Which was agreed to.

On motion by Mr. Teegarden,  
The Senate adjourned.

2 o'clock, P. M.

The Senate met.

House bill No. 59 was read a third time, when  
Mr. Mickle moved a call of the Senate.  
Which was ordered.

On motion by Mr. Reid,  
Mr. Hickman was excused on account of sickness in his family.  
On calling the roll the following Senators were absent :

Senators Brugh, Defrees, Goodman, Henton, Kendall, Marshall, Secrest and Woods.

On motion by Mr. Mickle,  
The call was suspended.  
The question being, shall the bill pass?  
It was decided in the affirmative—ayes 28, noes 15.

*Those who voted in the affirmative were,*

Senators Allen, Berry, Cravens, Davis, Dawson, Delevan, Dougherty, Emerson, Hester, Hicks, Holloway, Hunt, James, Kendall, Logan, Longshore, Mickle, Miller, Newland, Odell, Reid, Saffer, Spann, Todd, Turman, Walker, Wasburn, and Witherow.



*Those who voted in the negative were,*

Senators Alexander, Athon, Brugh, Eddy, Hanna, Hatfield, Henton, Kinnard, Knowlton, Milliken, Scobey, Slack, Sleeth, Teeganden and Winstandley.

On motion by Mr. Reid,

The order of business was suspended, when

The following message from the House of Representatives was taken up:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House insist upon their disagreement to the 4th, 15th and 18th engrossed amendments of the Senate to House bill No. 70, entitled "a bill to establish courts of common pleas, and defining the jurisdiction and duties and providing compensation for the judges thereof."

Also, that the House insist upon their amendment to 2d engrossed amendment of the Senate thereto, and have appointed

Messrs. Buskirk and Stuart a committee of free conference to act on the part of the House to take into consideration the disagreement of two the Houses.

The question being, will the Senate insist on their amendments?

It was decided in the affirmative.

Senators Hanna and Reid were appointed on the part of the Senate.

Mr. Reid asked to be excused from serving on the committee.

Which was granted and Mr. Hester appointed.

Mr. Hester moved to further suspend the order of business.

Which was not agreed to.

Mr. Hester asked to be excused from serving on the committee of Free Conference;

Which was granted, and Mr. Milliken appointed.

#### SENATE BILLS ON THEIR SECOND READING.

No. 162. A bill for the prevention of frauds and perjuries, and requiring certain contracts to be in writing and declaring certain conveyances, assignments, contracts and mortgages void;

Was read a second time and ordered to be engrossed.

Message from the House of Representatives by Mr. Sites, their Clerk:

MR. PRESIDENT :

I am directed by the House of Representative to inform the Senate that the House has passed the following engrossed bill thereof, viz :

No. 214. "A bill concerning promissory notes and bills of exchange." In which the concurrence of the Senate is respectfully requested.

The accompanying bill was read a first time and passed to a second reading.

Message from the House of Representatives, by Mr. Sites, their Clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof ;

No. 211, entitled "an act regulating the granting of divorces, nullification of marriages and decrees and orders of court incident thereto."

In which the concurrence of the Senate is respectfully requested.

The accompanying bill was read first time and passed to a second reading.

Mr. Hester, from the committee on Revision, submitted the following report :

MR. PRESIDENT :

The committee on Revision, to whom was referred House bill No. 201, have had the same under consideration, and have directed me to report it back with the accompanying amendment, upon the adoption of which they recommend its passage.

Add the following :

*Provided*, That if a man marry a second or other subsequent wife and has by her no children, but has children alive by a previous wife, the land which at his death descends to such wife shall, at her death, descend to his children.

SEC. —. This act shall be in force from and after the first day of August, eighteen hundred and fifty-two.

Which was concurred in.

When,

On motion of Mr. Winstandley,  
The bill was laid on the table.

Mr. Hester, from the same committee, submitted the following report :

MR. PRESIDENT :

The committee on Revision, to whom was referred the subject, have instructed me to report a bill to provide for the government and support of the Institution for the education of the Deaf and Dumb; and to recommend its passage.

The accompanying bill was read a first time and passed to a second reading.

Mr. Slack, from a select committee, submitted the following report :

MR. PRESIDENT :

The select committee to which was referred bill No. 161, have had the same under consideration and have requested me to report the same back with the following amendment, to-wit: Strike out the words "one hundred" in the 7th and 8th lines in the 3d section, and in lieu thereof insert the word "twenty." With this amendment the committee recommend the passage of the bill.

Which was concurred in.

The question being, shall the bill pass?

It was decided in the affirmative. Ayes 38, noes 3.

*Those who voted in the affirmative were,*

Senators Allen, Athon, Berry, Brugh, Cravens, Davis, Dawson, Defrees, Delevan, Eddy, Emerson, Hanna, Hatfield, Henton, Hester, Hicks, Holloway, Hunt, James, Kinnard, Knowlton, Logan, Longshore, Mickle, Miller, Milliken, Newland, Saffer, Scobey, Slack, Sleeth, Spann, Teegarden, Todd, Walker, Washburn, Winstandley, and Witherow.

Senators Dougherty, Kendall, and Odell voted in the negative.

On motion by Mr. Odell,

House bill No. 230, a bill to create a special term of the Tippecanoe circuit court,

Was taken from the table.

Mr. Odell moved to strike out of the 5th line of section one, the word "June," and insert "July."

Which was agreed to.

On motion by Mr. Odell,

The amendment was considered as engrossed, and the bill read a third time.

The question being, shall the bill pass?

It was decided in the affirmative; ayes 39, noes 0.

*Those who voted in the affirmative were,*

Senators Allen, Athon, Berry, Brugh, Cravens, Dawson, Defrees, Delevan, Dougherty, Eddy, Emerson, Hanna, Hatfield, Henton, Hester, Hicks, Holloway, Hunt, James, Kendall, Kinnard, Knowlton, Logan, Lonshore, Mickle, Miller, Milliken, Newland, Odell, Saffer, Scobey, Slack, Spann, Teegarden, Todd, Walker, Washburn, Winsteadley, and Witherow.

Mr. Hester, from the committee on Revision, submitted the following report:

**MR. PRESIDENT:**

The select joint committee on Revision, to whom was referred bill of the Senate No. 29, entitled "a bill abolishing the distinction between actions at law and suits in equity, and the forms of all such actions and suits, designating the parties to an action, and also abolishing all forms of pleading heretofore existing, and providing a simple and uniform mode of proceeding in courts of justice," have had the same under consideration, and have instructed me to report the same back to the Senate, with the recommendation that it be laid on the table.

Which was concurred in.

Mr. Hester, from the same committee, submitted the following report:

**MR. PRESIDENT:**

The select joint committee on Revision, to whom was referred bill of the Senate No. 2, entitled "an act to enable the sheriff of Morgan county to file his bond," have had the same under consideration, and have instructed me to report the same back to the Senate with the recommendation that it be laid on the table, as the subject is embraced in a general law.

Which was concurred in.

Mr. Hester, from the same committee, submitted the following report:

**MR. PRESIDENT:**

The joint committee on Revision, to whom was referred House bill No. 99, entitled "an act relating to prosecuting attorneys in

the 4th and 8th judicial circuits," have had the same under consideration, and have directed me to report it back, and recommend that it be laid on the table, its provisions being incorporated in a bill revised by the committee.

Which was concurred in.

By Mr. Hester, from the same committee:

**MR. PRESIDENT:**

The select joint committee on Revision, to whom was referred Senate bill No. 35, "an act authorizing a general banking law," have had the same under consideration, and have directed me to report the same back with a recommendation that the bill be laid on the table.

Which was concurred in.

The following message was received from the House of Representatives, by Mr. Sites, their Clerk:

**MR. PRESIDENT:**

I am directed by the House of Representatives to inform the Senate that the Speaker has signed the following enrolled bills thereof: Nos. 27, 194, 198 and 212, which I am directed to bring to the Senate for the signature of the President thereof.

Also, the following message from the House of Representatives, by Mr. Sites, their Clerk:

**MR. PRESIDENT:**

I am directed by the House of Representatives to inform the Senate that the Speaker has signed the following enrolled bill thereof: No. 3, which I am directed to bring to the Senate for the signature of the President thereof.

On motion by Mr. Spann,  
The Senate adjourned.

FRIDAY MORNING, }  
May 7, 1852. }

Senate met.

The journal of yesterday was read.

**PETITIONS, MEMORIALS AND REMONSTRANCES PRESENTED.**

By Mr. Holloway:

A petition from John R. Stephen relative to an improvement in the method of calculating taxes, &c.

Which,

On his motion,

Was referred to a select committee.

Senators Holloway, Slack and Brugh, were appointed said committee.

By Mr. Hatfield:

A petition from the Directors of the Troy Manufacturing company, asking leave to change the name of their company.

Which,

On his motion,

Was referred to the committee on Corporations.

**RESOLUTIONS.**

Mr. Reid offered the following resolution:

*Resolved*, That the President appoint a select committee of one from each judicial circuit, for the purpose of districting the State for circuit Judges.

Which was adopted.

Mr. Winstandley moved to suspend the order of business,  
Which was agreed to.

Mr. Winstandley moved to take up

House bill No. 201. A bill regulating descents and the apportionment of estates.

Which was agreed to.

Mr. Winstandley moved to amend as follows:

Strike out the 17th section and insert the following:

SEC. 17. If any husband die testate or intestate, leaving a widow, one third his real estate shall descend to her in *fee simple* free

from all demands of creditors; *Provided however*, that when the real estate exceeds in value ten thousand dollars, the widow shall have one fourth only, and when the real estate exceeds twenty thousand dollars one fifth only as against creditors.

Mr. Hanna moved to amend the amendment as follows:

Strike out the words "testate or."

Which was decided in the negative. Ayes 6; noes 33.

The ayes and noes were demanded by Senators Reid and Winstandley.

*Those who voted in the affirmative were,*

Senators Alexander, Cravens, Delevan, Hanna, Miller and Scobey.

*Those who voted in the negative were,*

Senators Allen, Berry, Dawson, Defrees, Dougherty, Eddy, Emerson, Hatfield, Henton, Hester, Hicks, Holloway, Hunt, James, Kinnard, Knowlton, Logan, Longshore, Mickle, Milliken, Newland, Odell, Reid, Saffer, Slack, Sleeth, Teegarden, Todd, Turman, Walker, Washburn, Winstandley and Witherow.

The question being on the adoption of the amendment,

It was decided in the affirmative—ayes 27, noes 13.

The ayes and noes were demanded by Senators Hanna and Milliken.

*Those who voted in the affirmative were,*

Senators Allen, Berry, Defrees, Delevan, Dougherty, Eddy, Emerson, Hatfield, Henton, Hester, Hicks, Holloway, Hunt, Kinnard, Logan, Longshore, Mickle, Newland, Reid, Saffer, Scobey, Slack, Sleeth, Teegarden, Turman, Walker, and Winstandley.

*Those who voted in the negative were,*

Senators Alexander, Athon, Brugh, Cravens, Dawson, Hanna, Knowlton, Miller, Milliken, Odell, Todd, Washburn, and Witherow.

Mr. Winstandley moved to suspend the rules and read the bill a third time now;

Which was decided in the negative. Ayes 20; noes 20.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Athon, Brugh, Emerson, Hatfield, Henton, Hester, Hicks, Hunt, Kinnard, Longshore, Mickle, Miller, Milliken, Scobey, Turman, Walker, Washburn, and Winstandley.

*Those who voted in the negative were,*

Senators Berry, Cravens, Dawson, Defrees, Delevan, Dougherty, Hanna, Holloway, James, Kendall, Knowlton, Logan, Odell, Saffer, Slack, Sleeth, Spann, Teegarden, Todd, and Witherow.

The amendments were ordered to be engrossed and the bill ordered to a third reading.

#### ORDERS OF THE DAY.

*Bills on their Third reading.*

Senate bill No. 162. A bill for the prevention of frauds and perjuries, and requiring certain contracts to be in writing, and declaring certain conveyances assignments, and mortgages void ;

Was read a third time.

And the question being, shall the bill pass?

It was decided in the affirmative—ayes 41, noes 0.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Athon, Berry, Brugh, Cravens, Dawson, Defrees, Delevan, Dougherty, Emerson, Hanna, Hatfield, Henton, Hester, Hicks, Holloway, Hunt, James, Kendall, Kinnard, Knowlton, Logan, Longshore, Mickle, Miller, Milliken, Newland, Odell, Reid, Saffer, Scobey, Slack, Sleeth, Spann, Teegarden, Todd, Turman, Walker, Washburn, and Witherow.

#### BILLS ON SECOND READING.

House bill No. 211. A bill regulating the granting of divorces, nullification of marriages, and decrees and orders of court incident thereto ;

Was read a second time and ordered to a third reading.

Senate bill No. 146. A bill to provide for the election and com-



pensation of prosecuting attorneys and their deputies, and prescribing certain of their duties;

Having been read a second time;

Mr. Dawson moved to amend as follows:

Strike out of the 1st section all after the word "October" in the 2d line, to the word "and" in the 4th line, and insert the words "in the year eighteen hundred and fifty two."

On motion by Mr. Hester,

The bill and pending amendment were recommitted to the committee on Revision.

Senate bill No. 164. A bill to provide for the government and support of the institution for the education of the Deaf and Dumb;

Was read a second time, when

Mr. Emerson moved to amend as follows:

Strike out the words "nominated by the Governor and confirmed by the Senate," and insert the words "elected by the General Assembly."

Strike out the words "Generally Assembly" and insert the words "thereof."

Which was not adopted.

Mr. Scobey moved to amend as follows:

Add to section 1st the following—

"*Provided however*, That no superintendent, physician, assistant physician, teacher or other officer of said institution, shall be eligible to the office of trustee for the same."

On motion by Mr. Eddy,

The bill and pending amendments were recommitted to the committee on Revision.

Message from the House of Representatives, by Mr. Sites, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bills thereof:

No. 215. An act to encourage the growth of silk.

No. 216. An act regarding inspectors of salt, beef, pork, flour, tobacco and hay.

No. 219. An act touching easements.

No. 220. An act for the encouragement of fire companies.

No. 226. An act in relation to special elections.

In which the concurrence of the Senate is respectfully requested.

The accompanying bills were each read a first time and passed to a second reading.

## REPORTS SUBMITTED.

By Mr. Dawson, from a select committee:

MR. PRESIDENT:

The select committee to whom was referred House bill No. 177, entitled "a bill to equalize the appraisement for taxation of the real property of the State of Indiana," have had the same under consideration, and have instructed me to report the same back without amendment and recommend its passage.

On motion by Mr. Cravens,  
The bill was laid on the table.

By Mr. Hester, from the joint committee on Revision:

MR. PRESIDENT:

The select joint committee on Revision, to whom was referred Senate bill No. 146, and amendments thereto, have had the same under consideration, and have directed me to report it back and recommend its passage after the adoption of the amendments, and ask to be discharged from the further consideration thereof.

Which was concurred in, and the bill ordered to be engrossed for a third reading.

On motion by Mr. Hester,  
The Senate adjourned.

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2 o'clock, P. M.

The Senate met.

The President laid before the Senate the following communication from the Governor and Auditor of State:

EXECUTIVE DEPARTMENT, }  
 INDIANAPOLIS, May 7, 1852. }

HON. JAMES H. LANE,  
*President of the Senate:*

SIR:—You will please to lay before the Senate the enclosed communication from E. W. H. Ellis, Auditor of State, upon the subject of the late sale of the stock the State held in the Madison and Indianapolis Railroad.

By this arrangement, the State has discharged fifty-nine thousand, three hundred dollars (\$59,300) of the two and a half per cent. stock by the sale of thirty-one thousand, four hundred and fifty dollars (31,450) of stock in said road. I doubt not you will fully approve of the transaction, as one alike advantageous to the State, and creditable to your officer.

I concur most heartily in the views expressed by the Auditor, on the subject of creating a Board of Sinking Fund Commissioners, composed of the Treasurer, Auditor and Agent of State, with the express view of liquidating a portion of the principal of our public debt, annually.

Whatever surplus may be in the Treasury after the payment of our July interest, should be promptly invested in our two and one-half per cent. stocks.

Our true policy is to liquidate and discharge a portion of our public debt annually.

With this view, the suggestions contained in this communication, on the subject of setting apart, annually, a certain fixed, definite tax, to be specially appropriated to the payment of the State debt, are worthy of your consideration.

Your attention is called to this subject in connection with the views expressed in my two annual messages. I trust you will give it the attention that its importance demands.

Yours respectfully,  
 JOSEPH A. WRIGHT.

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OFFICE OF AUDITOR OF STATE, }  
 INDIANAPOLIS, May 5, 1852. }

*His Excellency, Joseph A. Wright:*

SIR:—In conformity with the provisions of an act of the present Legislature, enacted at their first session, authorizing the sale of the stock held by the State in the Madison and Indianapolis railroad, amounting to the sum of \$31,450, I proceeded to New York under the direction of yourself and of the Treasurer of State for that pur-

pose. Finding it impossible at that time to effect a sale for cash at the par value of the stock, and believing that the interest of the State would be promoted in the operation, I succeeded in effecting a negotiation through the medium of a house of high character for financial integrity, Messrs. Winslow, Lanier & Co., for the exchange of the stock in the railroad for two and a half per cent. stock of the State.

The particulars of this transaction are as follows:

*E. W. H. Ellis, Auditor of the State of Indiana, in account with  
Winslow, Lanier & Co.*

March	24.	To cash paid, 19,000 Indiana 2 $\frac{1}{8}$ % per cent. stock	53 per cent.,	10,070 00
"	26.	" " 31,163 do	53 "	16,516 39
"	29.	" " 8,737 do	53 "	4,630 61
"	31.	" " 400 do	53 "	212 00
"	31.	To cash paid him to balance,	- - - -	21 00
				\$31,450 00

*Cr.*

1852.								
March 24.	By 202 shares M. & I. railroad stock,	100,	-	-	-	-	10,100	00
" 26.	By 332 do	100,	-	-	-	-	16,600	00
" 29.	By 95 do	100,	-	-	-	-	4,750	00
							<u>\$31,450</u>	<u>00</u>

WINSLOW, LANIER & CO.,  
PER WARD H. BLACKLER.

(E. E.) NEW YORK, March 31, 1852.

At the date of this negotiation the railroad stock was selling at 97 cents on the dollar, and holders of 2½ per cent. State stocks were refusing 51 cents for them. It is also to be noted that the transaction was without any expense of brokerage or commission.

Thus it will be seen that, for this sum of \$31,450, the State has absorbed the sum of \$59,300 of the *principal* of her debt. The transaction not being precisely what was contemplated in the act, may possibly require the approval of the Legislature. The new bonds are in my possession, issued to me as Auditor of State, and are at the disposal of that body.

The occasion seems to be a proper one to urge upon the representative of the people the propriety of making some provision for the gradual reduction and ultimate extinction, at no distant day, of the principal of the debt. We have carried out in good faith all the provisions of the State debt arrangement, under the acts of 1846 and 1847—our people have contributed freely of their substance to meet the annually accruing interest, and are yet willing and determined to preserve the faith they have solemnly pledged. They look, however, as it is their duty and their privilege, not alone to the payment of interest, not to a mere preservation of faith inviolable, but

to the adoption of means for that "consummation most devoutly to be wished," the entire liquidation of the debt itself. Adopt such means, place it within their power, and the tax payer would go forth with renewed vigor to his daily toil.

It is a question, too, for the profound statesman, how far the men of one generation have the moral right to transmit their burdens to a future one—whether indeed they may justly impose a debt of millions upon posterity, who were not responsible for its creation, and have not participated in its benefits. It was the doctrine of President Jefferson that such rights do not exist in the present generation. Admitting his position, while it does not follow that posterity may *repudiate* the debt thus transmitted, it furnishes an additional motive in favor of meeting those liabilities ourselves.

There can be no more suitable time for the commencement of this work than the present. Our domestic debt is so nearly liquidated as no longer to be a source of embarrassment. Our citizens are everywhere prosperous—emigration is pouring in from every quarter, and our public works are bringing the markets of the seaboard to almost every man's door. However small the beginning, we can lay the foundation of a system, which will gradually and surely, result in the liquidation of our debt.

The following extract from the report from this office for 1850 shows what may be effected by this gradual process.

"It is a matter of deep interest to all who have the credit and welfare of the State at heart, to inquire what prospect there may be for the gradual and ultimate liquidation of the principal of the public debt. It is hardly probable that before the 1st January, 1854, any considerable sum can be applied to this purpose. The following table is prepared on the supposition that on that day the sum of \$100,000 may be appropriated to the payment of principal; that this amount may be annually increased in the sum of \$10,000, and that to it may be added the sum saved from the interest account. The table is for twenty years, and supposes for its basis the debt to be \$7,524,000, and the annual interest \$326,200. The results shown by the table are highly satisfactory, and the ability of the State to realize this estimate is by no means overrated.

## TABULAR ESTIMATE.

<i>Years.</i>	<i>Net Revenue.</i>	<i>Interest saved to apply on principal.</i>	<i>Total payments on principal.</i>	<i>Amount of annu- al interest.</i>	<i>Amount of Princi- pal.</i>
1854	\$100,000		\$100,000 00	\$321,200 00	\$7,424,000 00
1855	110,000	\$5,000 00	115,000 00	315,450 00	7,309,000 00
1856	120,000	5,750 00	125,750 00	309,162 50	7,183,250 00
1857	130,000	6,287 50	136,287 50	302,348 12	7,046,962 50
1858	140,000	6,814 37	146,814 37	295,107 40	6,900,148 13
1859	150,000	7,340 71	157,340 71	287,140 37	6,742,807 42
1860	160,000	7,867 03	167,867 03	278,747 01	6,574,940 39
1861	170,000	8,393 35	178,393 35	269,827 35	6,386,547 04
1862	180,000	8,919 66	188,919 66	260,381 36	6,207,627 38
1863	190,000	9,445 98	199,445 98	250,409 07	6,008,181 40
1864	200,000	9,972 29	209,972 29	239,910 45	5,798,209 11
1865	210,000	10,498 61	220,498 61	228,885 52	5,577,710 50
1866	220,000	11,024 93	231,024 93	217,334 27	5,346,685 57
1867	230,000	11,551 24	241,551 24	205,256 71	5,105,134 33
1868	240,000	12,077 56	252,077 56	192,652 83	4,853,056 77
1869	250,000	12,603 87	262,603 87	179,522 64	4,590,452 90
1870	260,000	13,130 19	273,130 19	165,866 13	4,317,322 71
1871	270,000	13,656 50	283,656 50	151,683 31	4,033,666 21
1872	280,000	14,182 82	294,182 82	136,974 16	3,739,483 39
1873	290,000	14,709 14	304,709 14	121,738 71	3,434,774 25
1874	300,000	15,235 45	315,235 45	105,976 44	3,119,538 80

Thus in 1874, the Public Debt, by this gradual process of reduction, will be diminished to the sum of \$3,119,538 80, and of this sum two millions are estimated as  $2\frac{1}{2}$  per cent. stocks."

A levy of five cents on the hundred dollars' valuation of real and personal property would produce the sum here estimated.

The establishment of a sinking fund, under proper management, has been found in other States the most efficient and least objectionable plan for this purpose. The first requisite would be the levy of a fixed and permanent tax, such for instance as the sum above named, to be devoted exclusively and inviolably to this object, as also all the accruing income of the fund. A Board of Sinking Fund Commissioners might be constituted of the Treasurer, Auditor and Agent of State, under whose control all such funds should be expended in the purchase of the bonds of the State, commencing with the  $2\frac{1}{2}$  per cents.

These bonds should be held by the Auditor of State for the benefit of the fund, and interest paid upon them annually, as if held by individuals. In the event of a rise of the bonds in market above their par value, provision might be made for an investment in other stocks of known solvency, although such a policy would be of doubtful expediency. Such an event is hardly probable in the case of a Five per cent. stock, and our tax-payers would be better satisfied with an investment in our own stocks, even at an advanced rate.

Such a system would add very little to the duties of the officers, and would possess the merit of simplicity and economy. It would at once place Indiana in the front rank of solvent, debt-paying States; it would cheer the tax-payer under his manifold burdens; it would invite emigration to our borders, and would hasten the era, contemplated by the framers of our new Constitution, when there shall be *no more public debt.*

It will also render practicable what many hope to see accomplished, and what reason, justice and public opinion may one day require at our hands,—the resumption of the Trust committed to the Trustees of the Wabash and Erie Canal, with its revenues and liabilities. We shall then point with pride to the escutcheon of Indiana, as without stain or blemish.

Hoping these suggestions may be of service in calling attention to this subject,

I have the honor to be,

Most respectfully, &c.,

E. W. H. ELLIS,

*Auditor of State.*

Which,

On motion,

Were laid on the table, and 500 copies ordered to be printed.

Mr. Winstandley moved to take from the table Senate bill No. 160. A bill touching the marriage relation, and liabilities incident thereto;

Which was agreed to.

The question being, shall the bill pass,

It was decided in the affirmative. Ayes 29; noes 7.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Athon, Berry, Eddy, Emerson, Henton, Hester, Hunt, James, Kendall, Knowlton, Logan, Longshore, Mickle, Miller, Milliken, Newland, Odell, Reid, Saffer, Scobey, Sleeth, Spann, Todd, Walker, Washburn, Winstandley, and Witherow.

*Those who voted in the negative were,*

Senators Dawson, Defrees, Dougherty, Hatfield, Holloway, Kinard, and Teegarden.

Mr. Hanna, from the committee on Free Conference, submitted the following report:

Mr. PRESIDENT:

The committee on Free Conference, to which was referred the disagreement of the two Houses upon certain amendments to House bill No. 70, have had the same under consideration and have directed me to make the following report, to-wit:

1st. The Senate agrees to the first amendment of the House to the 2d engrossed amendment of the Senate.

2d. The House, upon adding the following additional proviso to the 18th amendment of the Senate, agrees thereto, to-wit:

*And provided, further,* That in districts of more than two counties, said salary shall not exceed six hundred dollars unless the population of such district shall exceed thirty thousand."

3d. The Senate recedes from the 15th amendment of the Senate.

4th. The House agrees to the 4th amendment of the Senate.

Which was concurred in.

Mr. Hester, from the committee on Revision, submitted the following report:

MR. PRESIDENT:

The joint committee on Revision, to whom was referred Senate bill No. 164, have had the same under consideration, and have directed me to report the same back with the accompanying amendments, and when thus amended they recommend its passage; and they ask to be discharged from the further consideration thereof.

Add to section 1st the following:

*Provided, however,* That the superintendent and teachers of said institution shall not be eligible to the office of Trustee of the same.

Strike out section 20, and add the following in lieu thereof:

SEC. 20. All vacancies in the board of trustees shall be filled by appointment by the Governor.

Which were concurred in, and the bill ordered to be engrossed for a third reading.

Mr. Hester, from the committee on Revision, submitted the following report:

MR. PRESIDENT:

The joint committee on Revision, to whom was referred Senate bill No. 72, a bill providing for the assessment of damages against liquor sellers for vending spirituous liquors to an habitual drunkard, or minor, and requiring such liquor sellers to execute a bond, and providing a penalty on his failing so to do, have had the same under consideration, and a majority of them have directed me to report the same back and recommend that it be laid on the table.

Which was concurred in.

Mr. Hester from the same committee, submitted the following report:



MR. PRESIDENT:

The joint committee on Revision, to whom was referred Senate bill No. 103, "an act to repeal all laws licensing the retail of spirituous liquors, and affixing a penalty against the sale of such liquors to an habitual drunkard, a person in a state of intoxication, or to a minor," have had the subject under consideration, and have directed me to report the same back and recommend that it be laid on the table.

Which was concurred in.

Mr. Hester, from the same committee, submitted the following report:

MR. PRESIDENT:

The joint committee on Revision, to whom was referred Senate bill No. 50, "a bill to authorize the board of trustees of Indiana University to sell square 25, in the town of Indianapolis, and to erect suitable buildings in or near said town, for a medical branch of said University," have had the same under consideration, and have directed me to report it back, and recommend that it be laid on the table.

Which was concurred in.

Mr. Holloway moved to take from the table House bill No. 177, a bill to provide for equalizing the appraisement for taxation of the real property in the State of Indiana;

Which was agreed to.

On motion by Mr. Teegarden,

A call of the Senate was ordered.

On calling the roll, the following Senators were absent:

Senators Davis, Hanna, Marshall and Secrest.

On motion,

The absentees were sent for.

Mr. Teegarden moved to suspend the further call.

Which was agreed to.

The question being, shall the bill be ordered to a third reading?

It was decided in the negative. Ayes 19; noes 24.

The ayes and noes were demanded by Senators Emerson and Scobey.

*Those who voted in the affirmative were,*

Senators Defrees, Delevan, Hatfield, Holloway, Hunt, James, Kendall, Kinnard, Knowlton, Milliken, Odell, Reid, Sleeth, Teegarden, Todd, Turman, Walker, Washburn and Witherow.

*Those who voted in the negative were,*

Senators Alexander, Allen, Athon, Berry, Brugh, Cravens, Dawson, Dougherty, Eddy, Emerson, Hanna, Henton, Hester, Hicks, Logan, Longshore, Mickle, Miller, Newland, Saffer, Scobey, Slack, Spann and Winsteadley.

The following message was received from the House of Representatives, by Mr. Sites, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that the House has concurred in the 3d, 4th, 5th, 7th, 8th, 9th, 11th and 13th engrossed amendments of the Senate to engrossed bill of the House No. 59, entitled "a bill to provide for the incorporation of Rail Road companies," and refuse to concur in the 2d and 6th amendments, and concur in the 1st, 10th, 12th, 14th and 15th amendments with engrossed amendments.

In which the concurrence of the Senate is respectfully requested.

A division of the question being called for, and  
The President having decided the question divisible.

The first question being, will the Senate recede from their second amendment?

It was decided in the affirmative. Ayes 29; noes 14.

The ayes and noes were demanded by Senators Slack and Emerson.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Berry, Delevan, Dougherty, Emerson, Hanna, Hester, Hicks, Holloway, Hunt, James, Kendall, Kinnard, Logan, Longshore, Mickle, Miller, Newland, Odell, Reid, Saffer, Slack, Spann, Todd, Turman, Walker, Washburn and Witherow.

*Those who voted in the negative were,*

Senators Athon, Brugh, Cravens, Dawson, Defrees, Eddy, Hatfield, Henton, Knowlton, Milliken, Scobey, Sleeth, Teegarden and Winsteadley.

Mr. Milliken moved that the Senate insist on their 6th amendment; Which was decided in the negative. Ayes 20; noes 21.

The ayes and noes were demanded by Senators Emerson and Berry.

*Those who voted in the affirmative were,*

Senators Alexander, Athon, Brugh, Dawson, Defrees, Dougherty, Eddy, Hanna, Hatfield, Henton, Hicks, James, Kinnard, Knowlton, Milliken, Reid, Scobey, Sleeth, Teegarden, and Winstandley.

*Those who voted in the negative were,*

Senators Allen, Berry, Cravens, Delevan, Emerson, Holloway, Kendall, Logan, Longshore, Mickle, Miller, Newland, Odell, Saffer, Slack, Spann, Todd, Turman, Walker, Washburn, and Witherow.

Mr. Milliken moved a call of the Senate.

Which was not agreed to.

Mr. Slack moved that the Senate recede.

Mr. Hanna moved that the Senate do now adjourn ;

Which was decided in the negative. Ayes 14, noes 26.

The ayes and noes were demanded by five Senators.

*Those who voted in the affirmative were,*

Senators Dawson, Hanna, Hatfield, Henton, Hunt, Kinnard, Knowlton, Miller, Odell, Saffer, Scobey, Washburn, Winstandley, and Witherow.

*Those who voted in the negative were,*

Senators Alexander, Allen, Athon, Berry, Brugh, Cravens, Defrees, Delevan, Dougherty, Emerson, Hester, Holloway, James, Kendall, Logan, Longshore, Mickle, Milliken, Newland, Slack, Sleeth, Spann, Teegarden, Todd, Turman, and Walker.

The question then being, will the Senate recede from their 6th engrossed amendment ?

It was decided in the affirmative—ayes 23, noes 16.

The ayes and noes were demanded by Senators Slack and Emerson.

*Those who voted in the affirmative were,*

Senators Allen, Berry, Dawson, Delevan, Dougherty, Emerson, Holloway, Kendall, Kinnard, Logan, Longshore, Mickle, Miller, Newland, Odell, Saffer, Slack, Spann, Todd, Turman, Walker, Washburn, and Witherow.

*Those who voted in the negative were,*

Senators Alexander, Athon, Brugh, Cravens, Eddy, Hanna, Hatfield, Henton, Hicks, Hunt, Knowlton, Milliken, Scobey, Sleeth, Teegarden, and Winsteadley.

The question being, will the Senate concur in the amendment of the House to the 1st engrossed amendment of the Senate?

It was decided in the affirmative.

The question being, will the Senate concur in the engrossed amendment of the House to the 10th engrossed amendment of the Senate?

It was decided in the affirmative.

The question then being, will the Senate concur in the engrossed amendments of the House to the 12th engrossed amendment of the Senate?

It was decided in the affirmative. Ayes 22; noes 19.

The ayes and noes were demanded by Senators Holloway and Eddy.

*Those who voted in the affirmative were,*

Senators Allen, Athon, Cravens, Dawson, Defrees, Eddy, Emerson, Hanna, Hatfield, Hester, Kinnard, Longshore, Mickle, Milliken, Newland, Scobey, Slack, Sleeth, Teegarden, Turman, Walker, and With-  
erow.

*Those who voted in the negative were,*

Senators Alexander, Berry, Brugh, Delevan, Dougherty, Henton, Hicks, Holloway, Hunt, James, Kendall, Knowlton, Logan, Miller, Odell, Saffer, Spann, Todd, and Washburn.

Mr. Allen asked and obtained leave of absence on account of sickness in his family.

On motion by Mr. Hatfield,

The Senate adjourned.

SATURDAY MORNING, }  
May 8th, 1852. }

The Senate met.

The Journal of yesterday was read.

PETITIONS PRESENTED.

By Mr. Holloway:

From citizens of Wayne county, asking the passage of a law similar to the Maine law, for suppressing the evils of intemperance;

Which,

On his motion,

Was referred to the committee on Temperance.

By Mr. Defrees:

From citizens of Elkhart county, asking the passage of the "Maine liquor law," or its equivalent;

Which,

On his motion,

Was referred to the committee on Temperance.

By Mr. James:

From citizens of Vanderburgh county, asking the passage of a law giving the owners of salt and iron works, and coal banks, a right to construct roads across the lands of others, under certain restrictions therein mentioned;

Which was,

On his motion,

Referred to the committee on Roads.

By Mr. Holloway:

From 77 male and 41 female inhabitants of the State; also, from 70 male and 55 female citizens of Bartholomew county; also, from 85 male citizens of Putnam county, and from 55 male and 25 female citizens of Shelby county, all praying the passage of the "Maine law," or one similar thereto, for the suppression of intemperance;

Which were,

On his motion,

Referred to the committee on that subject.

By Mr. Miller:

The petition of sundry citizens of Orange county, asking the passage of the "Maine liquor law," or one similar thereto;

Which was,

On his motion,

Referred to the committee on Temperance.

On motion of Mr. Mickle,  
The order of business was suspended.

House bill No. 59. A bill to provide for the incorporation of rail road companies;

Was taken up, when

The Senate concurred in the 4th engrossed amendment of the House to engrossed amendment of the Senate No. 14.

The question then being, Will the Senate concur in the 5th amendment of the House to the 15th engrossed amendment of the Senate?

It was decided in the affirmative. Ayes 22; noes 15.

The ayes and noes were demanded by Senators Berry and Eddy.

*Those who voted in the affirmative were,*

Senators Berry, Dawson, Delevan, Dougherty, Hester, Hicks, Holloway, Hunt, James, Kendall, Logan, Longshore, Mickle, Miller, Milliken, Saffer, Slack, Spann, Todd, Walker, Washburn and With-  
erow.

*Those who voted in the negative were,*

Senators Alexander, Athon, Brugh, Cravens, Defrees, Eddy, Hanna, Hatfield, Henton, Kinnard, Knowlton, Newland, Odell, Teegarden, and Winstandley.

#### REPORTS SUBMITTED.

By. Mr. Spann, from the committee on Military Affairs:

MR. PRESIDENT:

The committee on Military Affairs, to whom was referred Senate bill No. 142, "a bill to organize the militia of the State, and providing for the appointment and prescribing the duties of the officers thereof," have had the same under consideration, and have directed me to report the same to the Senate with sundry amendments, and when said amendments are adopted, recommend its passage.

1st. Amend by adding after the word "each" in the twelfth line of section 11, the following: "except the number of persons liable to bear arms in such township be less than one hundred, in which case such company shall be composed of all persons in such township liable to bear arms."

2d. Strike out the word "shall" in the 4th line of section 12, and insert in lieu thereof the word "may."

3d. Strike out section 13.

4th. Strike out "shall" in the 7th line of section 14, and insert "may."

5th. Strike out sections 15 and 16.

6th. Strike out of section 17, second line, the word "shall," and insert "may."

7th. Strike out sections 18, 19, 20, 21 and 22.

8th. Add after the word "militia" in the 5th line of section 25, the following: "to be active in time of war, and sedentary in time of peace."

9th. Amend by striking out all after section 26, including said section, and inserting the following:

SEC. —. The citizens of the State liable to do military duty may, and they are hereby authorized to form and organize by voluntary enrollment, volunteer companies of cavalry, light infantry, grenadiers or riflemen, in such manner and at such time as they may think proper, each company to consist of not less than fifty, rank and file.

SEC. —. When any volunteer company shall be formed as aforesaid, the members thereof shall proceed at such time and place as a majority of them may designate, to the election of officers for such company.

SEC. —. Before proceeding to such election, there shall be elected by a majority of the members present of any such company a clerk, who shall act as clerk of such election, and keep an accurate account thereof, and make return of the names of the persons elected as officers of such company to the Governor; and such company, when organized, shall wear on parade such uniform as may be agreed upon by a majority of said company.

SEC. —. It shall be the duty of the clerk of each company to keep correct rolls of all the members of said companies, and correct the same from time to time as circumstances may require, and to note all delinquencies of said members either in attendance at the regular meetings of said company, or in the arms and equipments, or in the uniform required by law; and all delinquencies of members of the company shall by the clerk be reported to its subsequent meeting, to be dealt with according to law.

SEC. —. Every member enrolled in any volunteer company shall, if he remains a citizen of the county in which such company exists, be liable to perform duty therein six years, unless sooner discharged or relieved therefrom by a vote of said company, at some regular parade, and shall be subject to such fines and penalties for non-attendance or other delinquencies as the law may require, or as may from time to time be provided by the by-laws and regulations of the company, not inconsistent with the laws and Constitution of this State.

SEC. —. Volunteer companies raised under the provisions of this act, shall be subject to the performance of such duties, and be governed by such rules and regulations as in this act provided, and may

be called out for training and exercise by their respective commandants any number of days in the year on which a majority of the company may agree, at such time and place as a majority shall determine.

SEC. —. Whenever in any county there shall have been three or more companies of active militia formed under this act, they shall proceed to form themselves into battalions and regiments, as follows: Each battalion shall consist of not less than three, nor more than five companies, and each regiment of two battalions.

SEC. —. The commissioned officers of each company shall be elected by a majority of the members of each company present at any election; and the non-commissioned officers of such company shall be appointed by the captain thereof annually, including the clerk and treasurer of said company, which clerk and treasurer shall take an official oath before some person authorized to administer the same.

SEC. —. At all company elections there shall be elected, by a majority of the members present, three judges of election and two clerks, who, after having taken an oath faithfully to discharge the duties of judges and clerks of such election, the judges shall proceed to receive, and the clerks to register the ballots given between the hours of ten o'clock A. M. and six o'clock P. M. on the day of election, and the clerk shall write the name of each voter in a book prepared for that purpose, and at the close of the election shall declare the person or persons having the highest number of votes, duly elected to the respective offices.

SEC. —. All elections shall be certified by the judges thereof, and attested by the clerk; and the certificate of election for company and regimental officers (except non-commissioned officers,) shall be transmitted to the office of the Adjutant General, who shall lay the same before the Governor, who shall issue commissions accordingly. Judges of elections shall specify in the return of such election, the description of the company for which such officer was elected. The Governor, through the Adjutant General, shall transmit commissions directly to the officers elected.

SEC. —. Whenever in any county there shall have been organized the requisite number of companies to form a battalion, the oldest captain in such county shall notify the other captains in writing, stating a time and place to meet for the purpose of electing a lieutenant colonel and major, whose duty it shall be to post up written notices in three of the most public places in each of their respective company bounds, directing the officers and privates of said company to meet at the time and place specified, for the purpose of electing said officers, which notice shall be given at least ten days previous to the day of election; and whenever in any county there is the requisite number of companies to form a regiment, the lieutenant colonel shall give notice in writing to all the captains in the county, directing them to notify the officers and privates of their respective companies, as pro-



vided for in the election of lieutenant colonel and major, to meet at a time and place to be specified by said lieutenant colonel, for the purpose of electing a colonel commandant to said regiment, who, when so elected and commissioned, shall appoint the requisite staff officers to said regiment.

SEC. —. All contests of the election of any commissioned officer, shall be determined by a board composed of the company officers of his own grade belonging to the regiment or battalion to which he belongs; and the person or persons contesting such election, shall give notice to the officer of that grade oldest in commission in the regiment or battalion, as the case may be, of his intention to contest such election, stating in such notice the points on which he relies for such contest, and the officer so notified shall, at such time and place as he may appoint, not exceeding thirty days from the day such notice is given, convene the board, who shall hear and determine such contest, agreeably to the 36th section of this act; and any person wishing to contest the election of any field officer, may give ten day's notice to the captains of companies forming the regiment, or if there be no regiment, then of the companies forming the battalion to which such officer whose election is contested may belong, to convene at the county seat of such county to hear the evidence to be submitted in case of such contest, also giving the person whose election is contested, ten day's notice of the time and place of hearing such evidence, and submitting to him all the points and matters relied upon for contesting his election,—which commandants of companies, when so convened, shall constitute a board to hear all the evidence to be submitted, which evidence shall, by a clerk appointed for that purpose by said board, be written down in full; which evidence, when so made out, shall by said board be sealed up and forwarded to the Governor, who shall decide thereon, and notify the president of said board, who shall forthwith inform the parties to said contest of the decision of the Governor, and a commission shall be forwarded, or a new election ordered, as the Governor shall determine.

SEC. —. Commandants of companies shall, at the company musters in April in each year, make out a return of the strength of their respective companies, and after having copied the same into a book to be kept for that purpose, shall deliver the same to the commandants of their respective regiments, or battalions, if there be no regiment in the county, on or before the first day of May; and commandants of regiments or battalions, as the case may be, shall make return of their respective regiments or battalions to the Governor, through the Adjutant, on or before the first day of June annually.

SEC. —. Whenever the Governor is duly notified of the complete organization of any company under the provisions of this act, by the commandant thereof of the kind of arms and equipments adapted to said company, it shall be his duty forthwith to direct the quarter-master General to cause such number and kind of arms and

equipments as may be required by said company to be delivered to the commandant of said company, causing the officer to whom the same may be delivered to acknowledge the receipt thereof.

SEC. —. In the organization of the active militia, under the provisions of this act, into brigades and divisions, they shall be subject to such rules and regulations, as in this act prescribed, and all regiments and companies shall be numbered in the order of the date of the commissions of their respective commandants, or their rank.

SEC. —. Each company organized under the provisions of this act, may adopt a name, and by such name shall be constituted a body politic and corporate, and may sue and be sued, plead and be impleaded answer and be answered unto, in all courts of law and equity, in reference to all the rights and interests thereof, and may from time to time adopt such by-laws as may be deemed necessary for their proper organization and government.

SEC. —. The officers of each company organized under the provisions of this act, shall consist of one captain, one lieutenant, or if a majority shall desire it two lieutenants, and one ensign.

SEC. —. Commandants of companies shall not be required to make returns as in the 19th section of this act specified, excepting in cases where battallions or regiments to which such companies belong are organized.

SEC. —. Whenever a vacancy of a commissioned company officer occurs the officer next highest in command in such company shall forthwith notify the Governor thereof, who shall thereupon issue an order to the officer who shall so have notified him, directing such officer to notify his company to proceed to an election to fill such vacancy, in the manner provided in the 2nd section of this act, for the election of officers.

SEC. —. Each company of volunteer militia organized under the provisions of this act, may by their by-laws determine and define all delinquency and breaches of duty of its members and fix and determine all fines all fines and forfeitures of such delinquency and breaches of duty, and provide for the assessment and collection of such fines, in all cases whatever, and in such manner as they may deem proper, and such by-laws shall have the force and effect of laws, for the purposes above specified.

SEC. —. All necessary suits may be instituted by said company against its own members, or other person or persons, bodies corporate or politic, and may be brought in its own corporate name, for the collection of fines and forfeitures, and for the enforcement of any of its rights, before any court having competent jurisdiction of the subject matter in controversy.

SEC. —. All fines and forfeitures and other money belonging to such company shall be disposed of in such manner as a majority of such company shall determine, for the use and benefit thereof.

SEC. —. To enable such company to carry into effect the provisions of this act, they are hereby authorized and empowered to

organize within themselves such courts as may be necessary to take cognizance of all delinquencies, contempt and disobedience of orders, and unsoldierlike conduct on the part of every member of said company.

SEC. —. That as soon as may be convenient after a regiment is formed in any county in this State, and a colonel elected as provided by this act, it shall be the duty of such colonel to call together, at a place to be designated by him the field officers of his regiment, and the said officers when so convened shall prescribe their own uniform, make such by-laws for the government of the regiment, prescribing the number of drills and parades, and all other matters necessary to effect a complete organization of the regiment, not inconsistent with the laws of this State.

SEC. —. Immediately after said officers shall have drawn up the by-laws as in the foregoing section, provided it shall be the duty of the colonel to submit the same to the several companies composing his regiment, by placing a copy thereof in the hands of the commanding officer of each company for their approval, and when the same shall be approved by two-thirds of the companies composing said regiment the same shall be binding upon them all.

SEC. —. The colonel of such regiment, or in case of his absence, or vacancy of the office, the next officer in command, is hereby empowered to call together the companies of his regiment for drill or parade at such times as may be fixed by the by-laws of the regiment, or at any other time when requested so to do by two-thirds of the companies composing such regiment.

SEC. —. All the provisions of the 30th, 31st, and 32nd sections of this act, shall be applied to the formation and organization of battallions in such counties as shall have organized companies enough to form a battallion, and not a regiment, so far as the same are applicable, and the necessary orders for that purpose shall be in like manner given by the commandant of such battallions, regimental and battallion officers shall be elected by a majority of all the members of companies present.

SEC. —. All the independent companies of militia now or hereafter to be organized, shall be governed by, and subject to the provisions of this act.

SEC. —. In contesting the election of company officers the person contesting such election shall, at the time he gives notice for the formation of a board for that purpose, as in the 18th section of this act provided, also in like manner notify the person or persons whose election he intends to contest, expressing the points on which he intends to rely, in writing; which notices shall be given within ten days after the election so to be contested, and the officer to whom such notice shall be given shall give the parties to such contest ten days' notice of the time and place such board will convene, and the decision of such board will be final.

SEC. —. In all cases of contested election of company officers in counties where there are not a sufficient number of officers of the

same grade to form a board of at least three, the person contesting shall notify the person whose election is to be contested as in the 35th section of this act provided, and shall also give notice to the president of the boards or court of assessment of the company of his intention to contest such election, in the manner in said section provided for giving like notices; and such president shall notify such board to convene, and shall also give the parties to such contest ten days' notice of the time and place such board will convene, and the said board when so convened, shall hear all the evidence to be submitted to them, which evidence shall be written down by said board and by them be sealed up and forwarded to the Governor, who shall decide thereon, and notify the president of said board, who shall inform the parties to said contest of the decision of the Governor, and a commission shall be forwarded or new election ordered, as by the Governor shall be determined in the premises.

SEC. —. Every officer commissioned shall, within twenty days after receiving his commission, and previous to entering on the discharge of his duties, before any person authorized to administer oaths, take an oath to support the constitution of the United States and this State, and that he will faithfully discharge the duties of such office; a certificate of which oath shall be endorsed on the commission by the person administering the same; and if any person receiving a commission shall fail to take the oath aforesaid, within the time above provided, he shall be considered as refusing the office, and the same shall be filled as in other cases.

SEC. 38. *Be it further enacted*, That it shall be the duty of the quarter-master general to take from commandants of companies bonds with good and sufficient surety for the safe keeping and return of all arms and equipments which may hereafter be distributed to volunteer or militia companies, in an amount double the cost of the arms so distributed; and that said bonds shall be made payable to the State of Indiana, for the use and benefit of the same, and recoverable as other bonds of like amount are by law recoverable, but without stay of execution.

SEC. 39. It shall further be the duty of the quarter-master general to require from the commanding officer of every company to which public arms have heretofore been assigned, bonds in like manner, to be executed for their safe keeping and return; and in case of refusal to execute such bond, the quarter-master general shall cause such arms to be forthwith surrendered and returned to the armory at the seat of government.

SEC. —. Any officer having given bond shall be released on his successor entering into office and giving bond, until which time he shall have the control of the arms and accoutrements belonging to any company.

SEC. —. It shall be the duty of the commanding officer of every company to which arms have been or may be hereafter assigned, to carefully inspect and return annually to the Quartermaster General

of the arms and accoutrements in possession of his company, and if such arms shall not be shown by such return to have been well preserved, the Quartermaster General may require such officer to return such arms.

SEC. —. It shall be the duty of the Quartermaster General to cause to be transported to the seat of government, and there deposited in some safe building, all the military stores which now are, or may hereafter be in possession of the State, (except such as have been assigned to the militia companies formed under this act,) that they may be under his immediate supervision; and he is hereby authorized to procure a suitable building to be used as a public armory.

SEC. —. The Quartermaster General shall be entitled to the rank of Brigadier General, and shall receive as an annual compensation, the sum of ——— dollars for his services as such Quartermaster General.

SEC. —. All laws and parts of laws heretofore in force on the subject of the militia of this State are hereby repealed.

SEC. —. This act to take effect and be in force from and after its publication.

Mr. Milliken moved to refer the bill and pending amendments to the committee on Revision.

Which was agreed to.

By Mr. Hester, from the joint committee on Revision:

MR. PRESIDENT:

The joint committee on Revision, to whom Senate bill No. 149 was referred, have had the same under consideration, and have directed me to report it back and recommend that it be laid on the table, it being already provided for in other bills reported by the committee, and they ask to be discharged from the further consideration thereof.

Which was concurred in.

By Mr. Hester, from the Law Commission, to simplify the pleadings and practice, &c.

MR. PRESIDENT:

The Commissioners to simplify the Pleadings and Practice, &c., to whom was referred Senate bill No. 154, have had the same under consideration and have directed me to report it back, its provisions being incorporated in the Code of Practice which they expect to submit to the General Assembly; and they ask to be discharged from the further consideration thereof.

Which was concurred in.

By Mr. Hester, from the joint committee on Revision:

MR. PRESIDENT:

The committee on Revision, to whom was referred House bill No. 71, have had the same under consideration, and have directed me to report it back and recommend it be laid on the table, its provisions being incorporated in other bills; and they ask to be discharged from the further consideration thereof.

Which was concurred in.

By Mr. Hester, from the same committee:

MR. PRESIDENT:

The committee on Revision, to whom was referred House bill No. 79, "a bill authorizing the construction of plank, McAdamized, or gravel roads," for engrossment, have procured the same to be done, and directed me to report it back to the Senate.

By Mr. Hester, from the same committee:

MR. PRESIDENT:

The select joint committee on Revision, to whom was referred House bill No. 110, entitled "an act to change the time of holding the probate court of Dearborn county," have had the same under consideration, and have instructed me to report it back to the Senate for further action.

The question being shall the bill pass?

It was decided in the affirmative. Ayes 37; noes 0.

*Those who voted in the affirmative were,*

Senators Alexander, Athon, Berry, Brugh, Cravens, Defrees, Del-  
evan, Dougherty, Eddy, Hanna, Hatfield, Henton, Hester, Hicks, Hol-  
loway, Hunt, James, Kendall, Kinnard, Knowlton, Logan, Long-  
shore, Mickle, Miller, Milliken, Newland, Odell, Saffer, Slack, Spann,  
Teegarden, Todd, Turman, Walker, Washburn, Winstandley, and  
Witherow.

## ORDERS OF THE DAY.

*Bills on their Third reading.*

Senate bill No. 146. A bill to provide for the election and compensation of prosecuting attorneys and their deputies, and prescribing certain of their duties;

Was read a third time and passed. Ayes 33; noes 1.

*Those who voted in the affirmative were,*

Senators Alexander, Athon, Berry, Cravens, Dawson, Defrees, Delevan, Eddy, Hanna, Hatfield, Henton, Hester, Hicks, Holloway, Hunt, James, Kendall, Kinnard, Knowlton, Logan, Mickle, Newland, Odell, Saffer, Slack, Spann, Teegarden, Todd, Turman, Walker, Washburn, Winstandley, and Witherow.

Senator Dougherty voted in the negative.

Senate bill No. 163. A bill authorizing proceedings to try the right of property by virtue of any writ of execution or attachment and claimed by any person other than the execution or attachment defendant.

Was read a third time and passed. Ayes 37; noes none.

*Those who voted in the affirmative were,*

Senators Alexander, Athon, Berry, Brugh, Cravens, Dawson, Defrees, Delevan, Dougherty, Eddy, Hanna, Hatfield, Henton, Hester, Hickman, Holloway, Hunt, James, Kendall, Kinnard, Knowlton, Logan, Mickle, Miller, Milliken, Newland, Odell, Saffer, Slack, Spann, Teegarden, Todd, Turman, Walker, Washburn, Winstandley and Witherow.

House bill No. 214. A bill concerning promissory notes and bills of exchange.

Was read a third time and passed. Ayes 33; noes 3.

*Those who voted in the affirmative were,*

Senators Alexander, Athon, Brugh, Cravens, Dawson, Defrees, Delevan, Dougherty, Eddy, Hanna, Hatfield, Henton, Hester, Hicks, Holloway, Hunt, James, Kendall, Kinnard, Longshore, Mickle, Miller, Milliken, Newland, Odell, Saffer, Slack, Spann, Todd, Turman, Walker, Washburn and Witherow.

*Those who voted in the negative were,*

Senators Berry, Teegarden and Winstandley.

House bill No. 211. A bill regulating the granting of divorces, nullification of marriages, and decrees and orders of court incident thereto.

Was read a third time and passed—ayes 28, noes 6.

*Those who voted in the affirmative were,*

Senators Alexander, Athon, Berry, Cravens, Delevan, Dougherty, Hanna, Henton, Hester, Hicks, Holloway, James, Kendall, Kinnard, Knowlton, Longshore, Mickle, Milliken, Newland, Saffer, Slack, Teegarden, Todd, Turman, Walker, Washburn, Winstandley and Witherow.

*Those who voted in the negative were,*

Senators Brugh, Defrees, Hatfield, Hunt, Miller and Odell.

Senate bill No. 164. A bill to provide for the government and support of the Institution for the Education of the Deaf and Dumb.

Was read a third time, when

Mr. Berry moved to refer the bill to a select committee, with instructions to insert a provision that the salary of the Superintendent shall not exceed one thousand dollars per annum.

Which was decided in the affirmative. Ayes 24; noes 11.

The ayes and noes were demanded by Senators Eddy and Berry.

*Those who voted in the affirmative were,*

Senators Berry, Brugh, Cravens, Dawson, Defrees, Delevan, Dougherty, Hatfield, Hunt, James, Kinnard, Knowlton, Logan, Longshore, Mickle, Miller, Milliken, Newland, Odell, Spann, Todd, Walker, Washburn and Winstandley.

*Those who voted in the negative were,*

Senators Alexander, Athon, Eddy, Henton, Hester, Holloway, Saffer, Slack, Teegarden, Turman and Witherow.

Senators Eddy, Athon and Teegarden, were appointed said committee.

Mr. Eddy moved to further instruct the committee as follows:  
Amend so as to let out the office to the lowest bidder.



Mr. Berry moved to lay the instructions on the table;  
Which motion prevailed.

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2 o'clock, P. M.

The Senate met.

On motion by Mr. Winstandley.

A call of the Senate was ordered.

On motion by Mr. Athon,

Leave of absence was granted to Mr. Scobey.

Mr. Eddy moved to suspend the call;

Which was agreed to.

Mr. Eddy moved to take from the table Senate bill No. 143;

Which was agreed to.

When,

On motion,

The bill was referred to a select committee.

Senators Eddy, Hester, Slack and Winstandley were appointed said committee.

Mr. Winstandley moved to resume the call of the Senate;

Which motion prevailed.

On motion by Mr. Saffer,

Mr. Marshall was excused.

Mr. Slack asked leave of absence for Mr. Emerson;

Which was granted.

Mr. Sleeth moved to excuse Mr. Hunt;

Which was agreed to.

On motion by Mr. Mickle,

Mr. Reid was excused.

Mr. Holloway moved to suspend the call;

Which motion prevailed.

The following Senators were absent:

Messrs. Alexander, Dawson, Hanna, Kendall, Longshore, Miller, Secrest and Spann.

House bill No. 219. A bill touching easements;

Was read a second time and ordered to a third reading.

House bill No. 220. A bill for the encouragement of fire companies;

Was read a second time, and ordered to a third reading.

House bill No. 226. A bill in relation to special elections;  
Was read a second time and ordered to a third reading.

House bill No. 215. A bill to encourage the growth of silk;  
Was read a second time and ordered to a third reading.

House bill No. 216. A bill regarding inspectors of salt, beef,  
pork, flour, tobacco and hay;  
Was read a second time; and,  
On motion by Mr. Milliken,

Was referred to a select committee.

Senators Milliken, Knowlton and Athon were appointed said committee.

The following message was received from the House of Representatives, by Mr. Sites, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that the House has passed the following engrossed bills thereof:  
No. 218, entitled "an act to regulate Electric Telegraph Companies."

No. 227, entitled "an act touching vacancies in office, and filling the same by appointment."

In which the concurrence of the Senate is respectfully requested.

The accompanying bills were each read a first time, and passed to a second reading.

Also the following message from the House of Representatives, by Mr. Sites, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof;

No. 217, entitled "an act concerning unlawful detention of lands, and the recovery thereof."

No. 203, entitled "an act regulating general elections, and prescribing the duties of officers in relation thereto."

In which the concurrence of the Senate is respectfully requested.

The accompanying bills were each read a first time and passed to a second reading.

Also, the following message from the House of Representatives, by Mr. Sites, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bills thereof:

No. 228. An act regulating the election and duties of State Librarian.

No. 229. A bill concerning the general fund and the expenditures chargeable thereon.

No. 233. An act providing for, and regulating the relation of master and apprentice.

No. 235. An act concerning the assignment of judgments and decrees.

In which the concurrence of the Senate is respectfully requested.

The accompanying bills were each read a first time and passed to a second reading.

Mr. Hicks offered the following resolution:

*Resolved*, That the committee on the Benevolent Institutions of the State, be instructed to inquire and report to the Senate, what additions to the Insane Hospital buildings are needed to accommodate all the proper subjects for admission therein, the probable cost and necessary appropriation for the work.

Which was adopted.

The President laid before the Senate a communication from the cashier of the State Bank;

Which,

On motion by Mr. Mickle,

Was referred to the committee on Banks.

Mr. Mickle introduced,

No. 165. A bill supplemental to an act entitled an act to provide for the incorporation of railroad companies;

Which was read a first time and passed to a second reading.

On motion by Mr. Spann,

The Senate adjourned.

MONDAY MORNING, }  
May 10, 1852. }

The Senate met.

The journal of Saturday was read.

The President announced the following committee on Judicial Circuits:

Senators Reid, Kinnard, Cravens, Marshall, Miller, Hicks, Davis, Walker, Teegarden, Alexander, Longshore, Dawson, and Scobey.

**PETITIONS, MEMORIALS AND REMONSTRANCES PRESENTED.**

By Mr. Walker:

From citizens of Cass county asking a reduction of tolls upon the Wabash and Erie canal.

Which,

On his motion,

Was referred to a select committee.

The chair appointed Senators Walker, Mickle, Turman, Slack and Henton said committee.

By Mr. Walker:

From citizens of same county asking the same reduction;

Which,

On his motion,

Was referred to the select committee.

**REPORTS SUBMITTED.**

By Mr. Hester, from the committee on Revision:

**MR. PRESIDENT:**

The committee on Revision, to whom was referred House bill No. 61, have had the same under consideration, and have directed me to report it back, and ask to be discharged from the further consideration thereof.

The question then being, shall the bill pass?

It was decided in the affirmative—ayes 33, noes 1.

*Those who voted in the affirmative were,*

Senators Athon, Berry, Brugh, Cravens, Dawson, Defrees, Delevan, Eddy, Hanna, Hatfield, Henton, Hester, Hickman, Hicks, Holloway, James, Kendall, Kinnard, Knowlton, Logan, Longshore, Mickle, Milliken, Newland, Odell, Saffier, Spann, Teegarden, Todd, Turman, Walker, Washburn, and Witherow.

Senator Alexander voted in the negative.

By Mr. Berry, from a select committee:

MR. PRESIDENT:

The select committee to whom was referred Senate bill No. 164, with instructions to report an amendment to limit the salary of superintendent of the Institution for the support and education of the Deaf and Dumb, have had that subject under consideration, and report it back with the following amendment for the action of the Senate:

Add to section three the following:

*“Provided, however, The salary of the superintendent shall not exceed one thousand dollars per annum.”*

Mr. Teegarden moved a call of the Senate;

Which was ordered.

On calling the roll, the following Senators were absent:

Senators Alexander, Davis, Dougherty, Emerson, Hunt, Marshall, Scobey, Secrest, and Sleeth.

On motion by Mr. Spann,

The further call was suspended.

The question then being, shall Senate bill No. 164, “a bill to provide for the encouragement and support of the Institution for the education of the Deaf and Dumb” pass?

It failed for want of a constitutional majority. Ayes 25, noes 10.

*Those who voted in the affirmative were,*

Senators Berry, Brugh, Cravens, Dawson, Defrees, Delevan, Hanna, Hatfield, Henton, Hester, Hickman, James, Kinnard, Knowlton, Logan, Longshore, Mickle, Miller, Newland, Odell, Spann, Todd, Walker, Washburn, and Winstandley.

*Those who voted in the negative were,*

Senators Athon, Eddy, Hicks, Holloway, Kendall, Saffer, Slack, Teegarden, Turman, and Witherow.

On motion of Mr. Winstandley,  
Senate bill No. 164 was again taken up.  
And the question being, shall the bill pass?  
It was decided in the affirmative—ayes 27, noes 10.

*Those who voted in the affirmative were,*

Senators Alexander, Berry, Brugh, Cravens, Dawson, Defrees, Delevan, Hanna, Hatfield, Henton, Hester, James, Kendall, Kinnard, Knowlton, Logan, Mickle, Miller, Milliken, Newland, Odell, Slack, Spann, Todd, Walker, Wasburn, and Winstandley.

*Those who voted in the negative were,*

Senators Athon, Eddy, Hickman, Hicks, Holloway, Longshore, Saffer, Teegarden, Turman, and Witherow.

#### ORDERS OF THE DAY.

##### *Bills on Their Third reading.*

House bill No. 201. A bill regulating descents, and the apportionment of estates ;

Was read a third time.

And the question being, shall the bill pass ?

It was decided in the affirmative—ayes 26 ; noes 10.

*Those who voted in the affirmative were,*

Senators Dawson, Defrees, Delevan, Eddy, Hanna, Hatfield, Henton, Hester, Hickman, Hicks, Hunt, James, Kendall Longshore, Mickle, Milliken, Newland, Odell, Saffer, Slack, Spann, Todd, Turman, Walker, Washburn, and Winstandley.

*Those who voted in the negative were,*

Senators Alexander, Athon, Berry, Brugh, Cravens, Holloway, Knowlton, Miller, Teegarden, and Witherow.

Mr. Milliken moved to suspend the order of business ;  
Which was agreed to.  
When he offered the following resolution :

*Resolved*, That the Governor be requested to return to the Senate House bill No. 110, which passed the Senate on the 7th inst.  
Which was adopted.

House bill No. 215. A bill to encourage the growth of silk ;  
Was read a third time ; and  
The question being shall the bill pass ?  
It was decided in the affirmative. Ayes 27, noes 7.

*Those who voted in the affirmative were,*

Senators Alexander, Athon, Brugh, Dawson, Defrees, Delevan, Eddy, Henton, Hester, Hickman, Holloway, Hunt, Kendall, Knowlton, Logan, Longshore, Mickle, Milliken, Newland, Odell, Saffer, Slack, Teegarden, Todd, Walker, Washburn, and Witherow.

*Those who voted in the negative were,*

Senators Berry, Hatfield, Hicks, Kinnard, Miller, Spann, and Turman.

House bill No. 219. A bill touching easements ;  
Was read a third time ; and  
The question being, shall the bill pass ?  
It was decided in the affirmative—ayes 35, noes 2.

*Those who voted in the affirmative were,*

Senators Alexander, Athon, Berry, Brugh, Cravens, Dawson, Defrees, Delevan, Eddy, Hatfield, Henton, Hester, Hickman, Hicks, Holloway, Hunt, James, Kendall, Kinnard, Knowlton, Logan, Longshore, Mickle, Milliken, Newland, Odell, Saffer, Slack, Spann, Teegarden, Todd, Turman, Walker, Washburn, and Witherow.

Senators Miller and Winsteadley voted in the negative.

House bill No. 220. A bill for the encouragement of fire companies ;  
Was read a third time.  
And the question being, shall the bill pass ?  
It was decided in the affirmative ; ayes 37, noes 0.

*Those who voted in the affirmative were,*

Senators Alexander, Athon, Berry, Brugh, Cravens, Dawson, De-frees, Delevan, Eddy, Hatfield, Henton, Hester, Hickman, Hicks, Hol-loway, Hunt, James, Kendall, Kinnard, Knowlton, Logan, Longshore, Mickle, Miller, Milliken, Newland, Odell, Saffer, Slack, Spann, Tee-garden, Todd, Turman, Walker, Washburn, Winstandley, and With-erow.

House bill No. 226. A bill in relation to special elections ;  
Was read a third time, and  
The question being, shall the bill pass ?  
It was decided in the affirmative. Ayes 37; noes 0.

*Those who voted in the affirmative were,*

Senators Alexander, Athon, Berry, Brugh, Cravens, Dawson, De-frees, Delevan, Eddy, Hatfield, Henton, Hester, Hickman, Hicks, Hol-loway, Hunt, James, Kendall, Kinnard, Knowlton, Logan, Longshore, Mickle, Miller, Milliken, Newland, Odell, Saffer, Slack, Spann, Tee-garden, Todd, Turman, Walker, Washburn, Winstandley, and With-erow.

Mr. Witherow moved to reconsider the vote on the passage of Senate bill No. 23;

Which was agreed to.

Mr. Mickle moved to refer the bill to a select committee.

Mr. Winstandley moved that the bill be indefinitely postponed;

Which was decided in the negative.

The question recurring on referring the bill to a select committee,

It was decided in the affirmative.

Senators Mickle, Slack, Hester, Milliken and Hanna, were ap-pointed said committee.

Mr. Holloway submitted the following report from a select com-mittee:

**MR. PRESIDENT:**

The select committee to whom was referred the memorial of John R. Stephen, in relation to his "Tax and Interest Rule," have had the same under consideration, and beg leave to report to the Senate that they believe the said rule is admirably calculated to insure accuracy in calculating taxes, and to materially diminish the labor of making up the duplicate. The chief excellency of the rule is its simplicity, and facility of application to the business which it is designed to aid. Its use can be learned in a few minutes, and its results are unerring-ly correct.



Your committee respectfully recommend the passage of the accompanying joint resolution.

The accompanying joint resolution was read a first time and passed to a second reading.

#### HOUSE BILLS ON SECOND READING.

No. 217. A bill concerning unlawful detention of lands and the recovery thereof;

Was read a second time and ordered to a third reading.

No. 218. A bill to regulate electric telegraph companies;

Was read a second time and ordered to a third reading.

No. 203. A bill regulating general elections and prescribing the duties of officers in relation thereto;

Was read a second time; when,

Mr. Athon moved to refer it to a select committee of one from each congressional district;

Which motion did not prevail.

The bill was then ordered to a third reading.

No. 227. A bill touching vacancies in office and filling the same by appointment;

Was read a second time and ordered to a third reading.

No. 228. A bill regulating the election and duties of State Librarian;

Was read a second time and ordered to a third reading.

No. 229. A bill concerning the general fund and the expenditures chargeable thereon,

Was read a second time and ordered to a third reading.

No. 233. A bill providing for and regulating the relation of master and apprentice.

Was read a second time and ordered to a third reading.

No. 235. A bill concerning the assignment of judgments and decrees.

Was read a second time and ordered to a third reading.

Senate bill, No. 165. A bill supplemental to an act entitled "an act to provide for the incorporation of railroad companies,"

Was read a second time; when

Mr. Berry moved to refer the bill to the committee on the Judiciary. Which was not agreed to.

Mr. Berry moved to add the following:

Except such portion of said road as is or shall be located within the county of Franklin.

Which was decided in the negative. Ayes 12; noes 23.

The ayes and noes were demanded by Senators Berry and Newland.

*Those who voted in the affirmative were,*

Senators Athon, Berry, Hanna, Henton, Hicks, James, Knowlton, Logan, Newland, Turman, Washburn, and Winsteadley.

*Those who voted in the negative were,*

Senators Alexander, Brugh, Cravens, Dawson, Defrees, Delevan, Hatfield, Hester, Hickman, Holloway, Hunt, Kendall, Kinnard, Longshore, Mickle, Milliken, Odell, Saffer, Slack, Spann, Todd, Walker, and Witherow.

Mr. Berry moved to add the following proviso:

*Provided, however,* That if the Lawrenceburgh and Upper Mississippi Railroad Company shall accept the provisions of this act, the stockholders shall be individually liable for the payment of all debts due to the laborers after the assets of the corporation shall be exhausted.

Which was not adopted.

Mr. Defrees moved to add the following:

SEC. —. If any corporation formed under this act shall not, within one year after its articles of association are filed and recorded as is provided in this act, begin the construction of its road, and expend thereon ten per cent. on the amount of its capital, or shall not finish the road, and put it in operation in five years from the time of filing its articles of association as aforesaid, its corporate existence and powers shall cease.

Which was decided in the affirmative. Ayes 22; noes 12.

The ayes and noes were demanded by Senators Defrees and Hanna.

*Those who voted in the affirmative were,*

Senators Alexander, Berry, Dawson, Delevan, Hester, Hicks, Holloway, Hunt, James, Kinnard, Logan, Longshore, Mickle, Milliken, Newland, Odell, Slack, Todd, Turman, Walker, Washburn, and Winsteadley.

*Those who voted in the negative were,*

Senators Athon, Brugh, Cravens, Defrees, Eddy, Hanna, Hatfield, Henton, Kendall, Knowlton, Saffer, and Witherow.

The question being, Shall the bill be engrossed?

It was decided in the affirmative.

On motion by Mr. James,

The Senate adjourned.

2 o'clock, P. M.

The Senate met.

The following message was received from the House of Representatives, by Mr. Sites, their Clerk :

**MR. PRESIDENT:**

I am directed by the House of Representative to inform the Senate that the House has passed the following engrossed bills thereof:

No. 14. "An act for the subscription to and preservation of the public newspapers printed in the several counties of this State."

No. 200. "An act prescribing the powers and duties of justices of the peace in State prosecutions."

No. 204. "An act concerning the partition of lands."

In which the concurrence of the Senate is respectfully requested.

The accompanying bill was read a first time and passed to a second reading.

Also, the following message was received from the House of Representatives, by Mr. Sites, their Clerk :

**MR. PRESIDENT:**

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bills thereof:

No. 236. An act containing several provisions regarding landlords, tenants, lessors and lessees.

No. 237. An act declaring what documents shall be published along with the revised statutes.

In which the concurrence of the Senate is respectfully requested.

The accompanying bills were each read a first time and passed to a second reading.

Mr. Hester, introduced

No. 167. A bill concerning licenses to vend foreign merchandize and clocks, to exhibit any caravan, menagerie, circus, rope and wire dancing, puppet show, and legerdemain and to retail spirituous and intoxicating liquors.

Which was read a first time and passed to a second reading.

The following message was received from the House of Representatives, by Mr. Owen, a member:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House have concurred in the engrossed amendments of the Senate to House bill No. 201, entitled "an act regulating descents and the apportionment of estates," with one amendment.

In which the concurrence of the Senate is respectfully requested.

Which amendment was concurred in.

Mr. Milliken, from a select committee, submitted the following report:

MR. PRESIDENT:

The select committee to whom was referred House bill No. 216, have had the same under consideration and directed me to report it back to the Senate, and recommend its passage.

The accompanying bill having been read on two several days;

Mr. Hester moved that it be read a third time now.

Which was agreed to.

The bill was then read a third time, and

The question being, shall the bill pass?

It was decided in the affirmative—ayes 26, noes 9.

*Those who voted in the affirmative were,*

Senators Alexander, Athon, Cravens, Delevan, Eddy, Hanna, Hester, Hickman, Hicks, Holloway, Hunt, Kendall, Kinnard, Knowlton, Logan, Longshore, Mickle, Miller, Milliken, Newland, Niblack, Odell, Saffer, Slack, Teegarden and Washburn.

*Those who voted in the negative were,*

Senators Berry, Brugh, Henton, James, Spann, Turman, Walker, Winstandley and Witherow.

The following message was received from the House of Representatives, by Mr. Sites, their Clerk:

**MR. PRESIDENT:**

I am directed by the House of Representatives to inform the Senate that the House has concurred in the engrossed amendment of the Senate to engrossed bill of the House No. 230, entitled, "an act to create a special term of the Tippecanoe circuit court."

Also, the following message from the House of Representatives, by Mr. Sites, their Clerk:

**MR. PRESIDENT:**

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bills thereof:

No. 241. An act in relation to commissions, certificates and resignation of officers.

No. 242. An act to submit to the voters of the counties of Perry and Spencer at the general election for the year 1852 a proposal to create a new county, &c.

The accompanying bills were read a first time and passed to a second reading.

Mr. Hester moved to reconsider the vote on the passage of House bill 216;

Which was agreed to.

On motion by Mr. Hester,

The bill was referred to a select committee.

Senators Hester, Athon, Walker, and James were appointed said committee.

Mr. Eddy, from a select committee, submitted the following report:

**MR. PRESIDENT:**

The select committee to whom was referred Senate bill No. 143, have had the same under consideration and have directed me to report the same back with the following amendments, and upon their adoption recommend its passage:

Section 6, strike out after the word "writing" in the 9th line, all that follows to the word "twenty" in the 11th line.

Section 9, strike out "any five" in the first line and insert the words, "a majority."

Strike out sections 12, 13 and 14, and insert consecutively sections numbered a, b, c, d, e, f, g, h, i and j.

Insert after section 17 the sections numbered k, l, m and n.

Strike out section 19 and insert sections numbered o, p, q, r, s, t, u, v, w, x and y.

Strike out section 23.

Insert after section 42 an additional section numbered z.

SEC. —. The capital stock of such company shall be paid in within eighteen months from the time of its subscription, in such sums as the directors may require.; and such stock shall be transferrable and assignable on the books of the company, in such manner as the by-laws may prescribe.

SEC. —. Whenever the president and directors, or a majority of them, shall certify under oath before an officer entitled to administer the same, that one-half of the capital stock is actually paid in, and a moiety of such half has been invested in solvent stocks, and shall produce the subscription books verified by the oath of the commissioners superintending such subscriptions, the Auditor of State, if upon inspection of such books, certificate, and stock securities, and all other matters connected therewith, shall be satisfied that the requirements of this act have been complied with, upon the deposit of the stock securities as aforesaid in his office, shall give a certified statement, directed to the Secretary of State, setting forth the name of the company, the amount of its capital stock, the amount and description of its stock securities, and the principal place of business of such company.

SEC. —. Such statement shall be filed in the office of the Secretary of State, and that officer shall give to such company or authorized agent thereof, *a certificate of incorporation*, under his seal of office, declaring the corporate name of such company, the amount of their capital stock and of securities deposited, and shall authorize such company from and after the date thereof, to issue policies of insurance according to the true intent and meaning of this act; and such certificate shall be conclusive evidence of the validity of its organization.

SEC. —. The Auditor shall be entitled to five dollars for the examination and statement, and the Secretary to two dollars for the certificate of incorporation, which shall be paid by the company.

SEC. —. The stocks thus deposited shall remain in the office of the Auditor of State, who is hereby charged with the custody of the same, and shall, upon the application of the company entitled thereto, give powers of attorney to receive the interest or dividends of such securities when due, or made, except as hereinafter provided. The company holding the same may withdraw, upon substituting other securities of the like class or nature, with the consent of the Auditor.

SEC. —. Such securities shall constitute a *guarantee fund*, which shall be for the benefit of the insured in such company, and the proceeds of the sale thereof shall be applied as herein named, and in the following order, and for no other purpose whatever:

*First.* To the payment of losses incurred by the assured, under any policy made by such company.

*Second.* The payment of laborers, artificers, and servants in the employ of such company.

*Third.* The payment of trusts held and reduced to possession by such company.

*Fourth.* The payment of all other debts and liabilities owing from such company. But the proceeds of such securities shall in all cases be applied ratably to the class first in order, and the remainder, if any, to the other classes in their succession, as herein defined, and not otherwise. Such company shall, before any dividends upon the capital stock thereof are paid over to the holders of the same, retain five per cent. on all such dividends, and within six months thereafter shall cause the sum thus retained to be invested in solvent stocks as heretofore provided, and deposit them with the Auditor of State. Such stock shall be added to and constitute a part of the guarantee fund, but shall not be considered any portion of the capital stock of such company.

SEC. —. Whenever any of the stocks thus deposited have, in the estimation of the Auditor of State, fallen below the value at which they were received, such officer shall give notice to the company making such deposit, of such depreciation, and require them, within sixty days from the date thereof, to deposit other stock securities, to an amount equal to such depreciation or deficiency.

SEC. —. Whenever the cash means of such company are insufficient to pay the losses incurred on any policy of insurance, the secretary thereof shall immediately notify the Auditor of State of such fact, and such Auditor shall, within thirty days after such notice, if practicable, sell at either public or private sale, so much of said stock as shall be required to pay the losses as aforesaid. Such company shall not declare any dividends thereafter, until the deficiency created by such sale has been made good by the net earnings of the corporation, and the same is converted into stocks, and deposited with the Auditor, as hereinbefore provided. But such auditor, or stockholder of such company, shall not, directly, or indirectly, be the purchaser of any stock sold in conformity to the provisions of this act.

SEC. —. Whenever, by a vote of the directors, as specified in section second, the capital stock of such company is increased, one-half of such increase shall be invested in stock as aforesaid, and deposited with the Auditor of State within twelve months from the date of the order or resolution of such board of directors; and such deposit shall be accompanied with a statement under oath, signed by a majority of such directors, that the increased capital is paid in to the treasury of such company, or secured to be paid in, and it shall be the duty of the auditor in like manner as upon the original deposit and statement of such company to certify the same to the Secretary of State, whose certificate shall be evidence of the increase of such capital stock.

SEC. —. The Auditor of State shall keep a registry of stocks, in which he shall note the date, description, to whom, and by what company issued, the amount thereof, and transfers of the same. He shall receive for his services one dollar for every power of attorney, the half of one per cent. on all stocks sold by him, and ten cents per hundred words for all copies of records, and all records made in the performance of the duties herein enjoined, which several fees shall be paid him by the proper company.

SEC. —. The board of directors of every such company shall, by the first Monday in January of each year, file with the Auditor of State a statement verified by oath, and signed by a majority of them, which shall be attested by the Secretary, setting forth the amount of capital stock, and how the same is invested, the number of policies issued and amount insured, the nature and kind of risks taken, the losses sustained, and the condition of the guarantee fund; and shall publish a copy of the same in some paper printed in this State, nearest to their principal office of business.

SEC. —. If such company shall fail to report, as provided in the preceding section, or fail to deposit additional stock securities as hereinbefore provided, when notified so to do by the Auditor of State, or to deposit stocks, created by the five per cent. assessment upon dividends, as required by section —, or if such company shall fail to pay losses to the assured, upon any policy of insurance issued by them, within sixty days after notice of the same, unless the payment is contested, or the auditor is properly notified of the insufficiency of cash means to pay such losses as hereinbefore provided; or if the guarantee fund is exhausted, or inadequate to meet losses incurred, the Auditor of State shall in either such case of neglect or failure or cause specified, notify the prosecuting attorney of the circuit court in the county in which the principal office of such company is situate of the facts in relation thereto.

SEC. —. Such prosecuting attorney shall file an information in the name of the State of Indiana, with the clerk of the circuit court in such county, requiring such company to show cause why their rights of incorporation herein derived shall not be forfeited; and notice of such proceedings shall be given by proper process upon the secretary of such company, at least ten days prior to the term of such court, or in his absence upon the president thereof, or if the president be absent, then by publication of notice for three weeks successively before the commencement of such term, in any newspaper printed in such county, or if none, then in a newspaper in this State nearest thereto.

SEC. —. Upon the hearing of such cause, if the court shall give judgment against the company, such court shall appoint some disinterested person as receiver, who shall give bonds with sureties in such penal sum as the court may direct, and thereupon shall immediately take possession of the assets, both real and personal, of such company.



SEC. —. The Auditor of State shall, upon the proper demand of the receiver, deliver to him the stock of such company deposited in his office, but the order of such delivery shall be made by the court, and a copy of such order, certified by the clerk thereof, shall be first served upon such auditor by the receiver.

SEC. —. The court shall make such orders from time to time in the premises not inconsistent with this act, for the conversion of such assets into money, and the distribution thereof among the creditors of such company, as shall best conduce to justice and right; but such distribution shall conform to the provisions of section —, and the entire assets shall be paid to creditors in the order there directed.

SEC. —. The receiver shall make report at each and every term of the said circuit court, of his doings in all matters relating to his trust, and shall, at the term next following his appointment, report specifically the kind and amount of all assets in his hands, and their probable value. In the final settlement of his account, the court shall direct the payment to him of such sums out of the assets as shall be deemed an equitable compensation for his services.

SEC. —. The directors of such company, or a majority of them, shall, in January of each year, make a report verified by their oath, and attested by the secretary of such company, stating in full the amount of their capital stock, of premium notes and the assessments made thereon, of cash means on hand, other than premium notes, of the amount insured and losses on the same, and generally of the indebtedness and resources of the company; and a copy of the same shall be filed with the auditor of State. If such company shall fail to make such report, the same proceedings shall be had as in other insurance companies.

The amendments were adopted and the bill ordered to be engrossed.

Message from the House of Representatives, by Mr. Sites, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill of the Senate:

No. 122, entitled "a bill to organize a supreme court, and prescribing certain duties of the judges thereof;"

Without amendment.

Also, No. 123, entitled "a bill providing for an organization of circuit courts, the election of judges thereof, and defining their powers and duties;"

With three engrossed amendments.

In which the concurrence of the Senate is respectfully requested.

Mr. Hester moved to amend the 2d engrossed amendment of the House as follows:

Insert after the word "time," 1st line of the 20th section, the words "whether during term-time, or in vacation."

Which was agreed to.

The 1st and second engrossed amendments of the House were concurred in.

On motion by Mr. Hester,

The Senate adjourned.

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TUESDAY MORNING, 8 o'clock, }  
May 11th, 1852. }

The Senate met.

The President, Hon. James H. Lane, being absent,

On motion by Mr. Eddy,

Hon. S. S. Mickle was called to the chair.

The journal of yesterday was read.

#### REPORTS SUBMITTED.

By Mr. Delevan, from the committee on Public Buildings:

**MR. PRESIDENT:**

The committee on Public Buildings, to whom the petitions of the different fire companies of the city of Indianapolis were referred, have had the same under consideration, and have directed me to report the following bill and recommend its passage.

The accompanying bill was read a first time and passed to a second reading.

#### RESOLUTIONS.

Mr. Milliken offered the following preamble and resolution:

WHEREAS, section 1 of article 10 of the constitution makes it the duty of the Legislature to provide a uniform and equal mode of assessing the property of the State for taxation, and whereas there is a great diversity of opinion on this subject, therefore,

*Resolved*, That the Auditor of State be requested to answer the following interrogatories:

Ist. Does the present mode of assessing the landed property of the State bear equally upon every portion of the State?

If not, what would be the best mode of equalizing the assessments?

Also, please give us the probable expense of any board of equalization you may recommend; and the probable costs of the district and State boards, of equalization, as provided for in the bill that has passed the House, on this subject and was lost in the Senate.

Which was adopted.

#### ORDERS OF THE DAY.

##### *Bills on their Third reading.*

Senate bill No. 165. A bill supplemental to an act to provide for the incorporation of Rail Road companies.

Being on its third reading, Mr. Berry moved to recommit the bill to a select committee, with the following instructions:

Insert between the words "provisions" and "to" the words "by non-residents."

A division of the question being called for, and

The President having decided the question divisible,

The first question "will the Senate recommit the bill?"

Was decided in the affirmative.

The question then being on the adoption of the instructions.

It was decided in the negative—ayes 14, noes 22.

The ayes and noes were demanded by Senators Berry and Hicks.

##### *Those who voted in the affirmative were,*

Senators Berry, Dougherty, Hanna, Hickman, Hicks, Hunt, Knowlton, Mickle, Miller, Newland, Spann, Walker, Washburn and Witherow.

##### *Those who voted in the negative were,*

Senators Alexander, Athon, Brugh, Cravens, Dawson, Defrees, Delevan, Eddy, Hatfield, Henton, Hester, James, Kendall, Kinnard, Longshore, Milliken, Reid, Saffer, Slack, Teegarden, Todd and Winstandley.

Senators Berry, Milliken and Logan were appointed said committee.

Mr. Milliken moved to instruct the committee as follows:

"So amend the bill as to confine its operations to Dearborn county.

Which was agreed to.

House bill No. 217. A bill concerning the unlawful detention of lands and the recovery thereof;

Was read the third time and passed. Ayes 31; noes 5.

*Those who voted in the affirmative were,*

Senators Alexander, Cravens, Dawson, Defrees, Delevan, Dougherty, Eddy, Hanna, Hatfield, Henton, Hester, Hickman, Hicks, Hunt, James, Kendall, Kinnard, Knowlton, Longshore, Mickle, Miller, Milliken, Newland, Odell, Saffer, Slack, Todd, Walker, Washburn, Winstandley, and Witherow.

*Those who voted in the negative were,*

Senators Athon, Berry, Brugh, Holloway, and Teegarden.

House bill No. 218. A bill to regulate electric telegraph companies;

Was read a third time and passed—ayes 35, noes 1.

*Those who voted in the affirmative were,*

Senators Alexander, Athon, Berry, Cravens, Dawson, Defrees, Delevan, Dougherty, Eddy, Hanna, Hatfield, Henton, Hester, Hickman, Hicks, Holloway, Hunt, James, Kendall, Kinnard, Knowlton, Logan, Longshore, Mickle, Miller, Milliken, Odell, Saffer, Slack, Spann, Todd, Walker, Washburn, Winstandley and Witherow.

Senator Teegarden voted in the negative.

House bill No. 227. A bill touching vacancies in office and filling the same by appointment;

Was read a third time and passed—ayes 36, noes 0.

*Those who voted in the affirmative were,*

Senators Alexander, Athon, Berry, Brugh, Cravens, Dawson, Defrees, Delevan, Dougherty, Eddy, Hanna, Henton, Hester, Hickman, Hicks, Holloway, Hunt, James, Kendall, Kinnard, Knowlton, Logan,

Longshore, Mickle, Miller, Milliken, Odell, Saffer, Slack, Spann, Teegarden, Todd, Walker, Washburn, Winstandley, and Witherow.

House bill No. 228. A bill regulating the election and duties of State Librarian;

Was read a third time and passed—ayes 35. noes 0.

*Those who voted in the affirmative were,*

Senators Alexander, Athon, Berry, Brugh, Cravens, Dawson, Defrees, Delevan, Dougherty, Eddy, Hatfield, Henton, Hickman, Holloway, Hunt, James, Kendall, Kinnard, Knowlton, Logan, Longshore, Mickle, Miller, Milliken, Newland, Odell, Slack, Spann, Teegarden, Todd, Turman, Walker, Washburn, Winstandley, and Witherow.

House bill No. 229. A bill concerning the general fund, and the expenditures chargeable thereon;

Was read a third time and passed—ayes 38, noes none.

*Those who voted in the affirmative were,*

Senators Alexander, Athon, Berry, Brugh, Cravens, Dawson, Defrees, Delevan, Dougherty, Hanna, Hatfield, Henton, Hester, Hickman, Hicks, Holloway, Hunt, James, Kendall, Kinnard, Knowlton, Logan, Longshore, Mickle, Miller, Milliken, Newland, Odell, Saffer, Slack, Spann, Teegarden, Todd, Turman, Walker, Washburn Winstandley, and Witherow.

House bill, 233. A bill providing for, and regulating the relation of master and apprentice.

Was read a third time and passed. Ayes 32; noes 4.

*Those who voted in the affirmative were,*

Senators Alexander, Athon, Brugh, Cravens, Dawson, Defrees, Delevan, Dougherty, Eddy, Hanna, Hatfield, Henton, Hester, Holloway, Hunt, Kendall, Kinnard, Knowlton, Logan, Longshore, Mickle, Milliken, Newland, Saffer, Slack, Spann, Teegarden, Todd, Turman, Walker, Washburn, and Witherow.

*Those who voted in the negative were,*

Senators Berry, Hickman, Miller, and Winstandley.

House bill No. 235. A bill touching the assignment of judgments and decrees.

Was read a third time and passed. Ayes 36 ; noes 1.

*Those who voted in the affirmative were,*

Senators Alexander, Berry, Brugh, Cravens, Dawson, Defrees, Delevan, Dougherty, Eddy, Hanna, Hatfield, Henton, Hester, Hickman, Holloway, Hunt, James, Kendall, Kinnard, Knowlton, Logan, Longshore, Mickle, Miller, Milliken, Newland, Saffer, Slack, Spann, Teegarden, Todd, Turman, Walker, Washburn, Winstandley and Witherow.

Senator Athon voted in the negative.

Senate bill No. 143. A bill for the incorporation of insurance companies, defining their powers, and prescribing their duties, and in relation to foreign insurance companies and their agents ;

Was read a third time ;

And the question being, shall the bill pass ?

It was decided in the affirmative—ayes 27, noes 7.

*Those who voted in the affirmative were,*

Senators Alexander, Athon, Brugh, Cravens, Dawson, Delevan, Eddy, Henton, Hester, Hickman, James, Kinnard, Knowlton, Mickle, Miller, Milliken, Newland, Odell, Saffer, Slack, Spann, Teegarden, Todd, Walker, Washburn, Winstandley, and Witherow.

*Those who voted in the negative were,*

Senators Dougherty, Hanna, Hatfield, Holloway, Hunt, Logan, and Turman.

The President laid before the Senate the Report of the Law Commissioners ;

Which,

On motion by Mr. Hester,

Was laid on the table.

House bill No. 242. A bill to submit to the voters of the counties of Perry and Spencer at the general election for the year 1852, a proposal to create a new county, &c. ;

Was upon its second reading ; when,

On motion by Mr. Hatfield,

It was referred to a select committee.

Whereupon,

The President appointed Senators Hatfield, Hester and Miller said committee.

Mr. Hester moved to suspend the previous order of business ;  
Which being agreed to, he offered the following resolution :

**WHEREAS**, Senate amendment to House bill No. 70, extending the jurisdiction of courts of common pleas from five hundred to one thousand dollars, in certain actions, has not been enrolled : therefore, be it

*Resolved*, That the Secretary of State be instructed to enroll said bill in accordance to that amendment, by striking out the words "five hundred" in sections 11 and 12 of the original bill, and inserting "one thousand."

Which was adopted.

Senate joint resolution No. 166. A joint resolution in relation to Stephens's tax rule ;

Was read a second time, and ordered to be engrossed.

House bill No. 236. A bill containing several provisions regarding landlords, lessors and lessees ;

Was read a second time and ordered to a third reading.

House bill No. 237. A bill declaring what documents shall be published along with the Revised Statutes ;

Was read a second time ; and,

On motion by Mr. Mickle,

Laid on the table.

House bill No. 241. A bill in relation to commissions, certificates, and resignations of officers ;

Was read a second time and ordered to a third reading.

House bill No. 14. A bill for the subscription to and preservation of the public newspapers printed in the several counties of this State ;

Was read a second time and ordered to a third reading.

House bill No. 200. A bill prescribing the powers and duties of justices of the peace in State prosecutions ;

Was read a second time, and,

On motion by Mr. Mickle, laid on the table.

On motion by Mr. Turman,

The vote on ordering House bill No. 14, to a third reading, was reconsidered.

Mr. Turman moved to refer the bill to a select committee.

Which was agreed to.

Ordered, that Senators Turman, Berry and Holloway constitute said committee.

House bill No. 204. A bill concerning the partition of lands;  
Was read a second time and ordered to a third reading.

Senate bill No. 167. A bill concerning licenses to vend foreign merchandise and clocks, to exhibit any caravan, menagerie, circus, rope and wire dancing, puppet show, and legerdemain, and to retail spirituous and intoxicating liquors;

Was read a second time, when

Mr. Winstandley moved to amend by striking out that portion of the bill relating to merchants' licenses.

Mr. Hester moved to refer the bill and pending amendment to a committee of one from each judicial circuit;

Which was agreed to.

Mr. Winstandley moved to instruct the committee to strike out that part of the bill relating to merchants' licenses;

Ayes 21, noes 11.

The ayes and noes were demanded by Senators Berry and Mickle.

*Those who voted in the affirmative were,*

Senators Delevan, Dougherty, Hatfield, Hester, Holloway, Hunt, James, Kinnard, Knowlton, Logan, Milliken, Odell, Saffer, Spann, Teegarden, Todd, Turman, Walker, Washburn, Winstandley, and Witherow.

*Those who voted in the negative were,*

Senators Athon, Berry, Cravens, Dawson, Hanna, Henton, Hickman, Mickle, Miller, Newland, and Slack.

There being no quorum present,

Mr. Saffer moved a call of the Senate.

Which was ordered.

On motion by Mr. Berry,

Mr. Hicks was excused.

On motion,

The further call was suspended.

On motion by Mr. Berry,

The Senate adjourned.



2 o'clock, P. M.

The Senate met.

On motion by Mr. Mickle,  
A call of the Senate was ordered.  
The following Senators were absent :

Senators Emerson, Goodman, Hicks, Longshore, Reid, and Scobey.

On motion,  
The further call was suspended.

The consideration of the instructions to the committee to which  
was recommitted Senate bill No 167, was resumed ; when  
The instructions were adopted.

Message from the House of Representatives by Mr. Sites, their  
Clerk :

**MR. PRESIDENT :**

I am directed by the House of Representatives to inform the Senate  
that the House has passed the following engrossed bill of the Senate:

No. 121, entitled "A bill for the incorporation of high schools,  
acadamies, colleges, universities, theological institutions and mission-  
ary boards;"

With sundry amendments, in which the concurrence of the Senate  
is respectfully requested.

The amendments were concurred in.

Also, the following message was received from the House of Rep-  
resentatives, by Mr. Sites, their Clerk :

**MR. SPEAKER :**

I am directed by the House of Representatives to inform the Senate  
that the House has passed the following engrossed bills thereof:

No. 251. "An act for the regulation of the penitentiary."

No. 253. "An act conveying Saline lands."

No. 254. "An act fixing the per diem and mileage of members  
of the General Assembly."

No. 255. "An act prescribing the duties of Treasurer of State."  
In which the concurrence of the Senate is respectfully requested.

The accompanying bills were read a first time and passed to a se-  
cond reading.

Also, the following message was received from the House of Representatives, by Mr. Sites, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representative to inform the Senate that the House has passed the following engrossed joint resolutions thereof:

No. 28. "A Joint Resolution on the subject of donating the Government lands of the State of Indiana to the State."

No. 29. "A Joint Resolution in relation to the practice and pleadings in the United States courts."

In which the concurrence of the Senate is respectfully requested.

The accompanying joint resolutions were read a first time and passed to a second reading.

The following message was received from the House of Representatives, by Mr. Sites, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill of the Senate:

No. 126. "A bill to authorize the formation of voluntary associations;"

Without amendment.

Also, the following message was received from the House of Representatives, by Mr. Sites, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the Speaker has signed the following enrolled bills thereof:

Nos. 110 and 230. Which I am directed to bring to the Senate for the signature of the President thereof.

Whereupon the President signed the same.

The President laid before the Senate the following communication from His Excellency, the Governor:

EXECUTIVE DEPARTMENT, }  
INDIANAPOLIS, May 11, 1852. }

HON. JAMES H. LANE,  
*President of the Senate.*

SIR:—In pursuance of the resolution of the Senate, adopted on the

10th inst., I herewith return House bill No. 110, being "An act to change the time of holding the probate court in Dearborn county."

Respectfully yours,  
JOSEPH A. WRIGHT.

Mr. Milliken moved to reconsider the vote on the passage of the accompanying bill;

Which was agreed to.

On motion by Mr. Milliken,

The bill was laid on the table.

The following message was received from the House of Representatives, by the Mr. Sites, their Clerk:

Mr. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bills thereof:

No. 213. Entitled "A bill touching official bonds and oaths;"

No. 244. An act concerning liens of mechanics, merchants and others;

No. 245. A bill concerning the three per cent. fund, and the management thereof;

No. 221. An act concerning county prisons.

In which the concurrence of the Senate is respectfully requested.

The accompanying bills were each read a first time, and passed to a second reading.

On motion by Mr. Mickle,

House bill No. 237, was taken from the table; when,

Mr. Mickle moved to amend the bill as follows:

Amend by inserting in the proper place, "the articles of confederation"

Which was adopted.

The amendment was then ordered to be engrossed and the bill ordered to a third reading.

Mr. Mickle moved to refer the bill for the punishment of misdemeanors to a select committee;

Which was agreed to.

Senators Mickle, Berry and Spann were appointed said committee.

The following message was received from the House of Representatives, by Mr. Sites, their Clerk:

Mr. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the Speaker has signed House bills Nos. 59 and 61, which I

am directed by the House to bring to the Senate for the signature of the President thereof.

Whereupon, the President signed said bills.

Also, the following message was received from the House of Representatives by Mr. Sites, their clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof:

No. 199. An act providing for the election and qualification of justices of the peace and defining their jurisdiction, powers and duties in civil cases.

In which the concurrence of the Senate is respectfully requested.

The accompanying bill was read a first time and passed to a second reading.

On motion,

The report of the Law Commissioners was taken up; when,

Mr. Cravens moved to refer the same to a select committee;

Which motion did not prevail.

The Secretary proceeded with the reading of the report; when,

On motion by Mr. Eddy,

The Senate adjourned.

WEDNESDAY MORNING, }  
May 12th, 1852.

The Senate met.

The Assistant Secretary proceeded to read the journal of Tuesday;  
When,

Mr. Milliken moved to suspend the further reading thereof;

Which motion did not prevail.

The journal was then read.

The President announced the following select committee to which was referred Senate bill No. 167:

Senators Hester, Turman, Saffer, Spann, Hatfield, Hicks, Holloway, Henton, Teegarden, Hunt, Mickle, and Milliken.

#### PETITIONS, MEMORIALS AND REMONSTRANCES PRESENTED.

By Mr. Niblack:

The petition of citizens of Martin county, asking the passage of a law similar in its character to the Maine liquor law or the law of Wisconsin;

Which,

On his motion,

Was referred to the committee on Temperance.

By Mr. Saffer;

From citizens of Harrison county, on the subject of a bridge across Buck creek;

Which,

On his motion,

Was referred to the committee on Roads.

By Mr. Henton:

A petition from citizens of Miami county asking the passage of the Maine liquor law, or one similar;

Which,

On his motion,

Was referred to the committee on Temperance.

#### REPORTS SUBMITTED.

By Mr. James, from a select committee:

MR. PRESIDENT:

The select committee to whom was referred House bill No. 216, have had the same under consideration, and have directed me to report the same back with one amendment, and when thus amended, they recommend its passage, and ask to be discharged from further consideration thereof:

Amend section 12 by striking out the word "ten" in the 6th line and inserting in lieu thereof the words "thirty-five."

The amendment was adopted;

And the question being, shall the bill pass?

It failed for want of a constitutional majority—ayes 22, noes 17.

*Those who voted in the affirmative were,*

Senators Defrees, Eddy, Henton, Hester, Hickman, Holloway, Hunt, James, Kendall, Kinnard, Logan, Longshore, Mickle, Miller, Milliken, Niblack, Odell, Saffer, Teegarden, Todd, Walker, and Winsteadley.

*Those who voted in the negative were,*

Senators Alexander, Berry, Brugh, Cravens, Delevan, Dougherty, Hanna, Hatfield, Knowlton, Newland, Secrest, Slack, Sleeth, Spann, Turman, Washburn, and Witherow.

By Mr. Milliken, from a select committee:

**MR. PRESIDENT:**

The select committee to whom was referred Senate bill No. 115, have had the same under consideration, and directed me to report it back to the Senate, with one amendment, in accordance with the instructions of the Senate.

Strike out all after the words "Rail Road" in the 7th line of the section, and insert the following:

"Within the bounds of Dearborn county, except within the corporate limits of the city of Lawrenceburgh."

The amendment was concurred in; and,

The question being, shall the bill pass?

It failed for want of a constitutional majority. Ayes 18, noes 16.

*Those who voted in the affirmative were,*

Senators Alexander, Dawson, Delevan, Hatfield, Hester, Holloway, Hunt, James, Kinnard, Knowlton, Mickle, Milliken, Odell, Slack, Sleeth, Teegarden, Todd, and Winsteadley.

*Those who voted in the negative were,*

Senators Berry, Brugh, Dougherty, Eddy, Hanna, Henton, Kendall, Logan, Miller, Niblack, Saffer, Secrest, Turman, Walker, Washburn, and Witherow.

The President laid before the Senate the following communication from the Auditor of State.

OFFICE OF AUDITOR OF STATE, }  
 INDIANAPOLIS, May 12, 1852. }

HON. JAMES H. LANE,  
*President of the Senate:*

SIR:—Please lay before the Senate the following communication,  
 and oblige,

most respectfully,

E. W. H. ELLIS,  
*Auditor of State.*

OFFICE OF AUDITOR OF STATE, }  
 INDIANAPOLIS, May 12, 1852. }

HON. JAMES H. LANE,  
*President of the Senate:*

SIR:—I have before me the following resolution adopted by the  
 Senate on yesterday :

WHEREAS, section 1st of article 10 of the constitution makes it the  
 duty of the legislature to provide a uniform and equal mode of  
 assessing the property of the State for taxation; and

WHEREAS, there is great diversity of opinion on the subject; there-  
 fore,

*Resolved*, That the State Auditor be requested to answer the fol-  
 lowing interrogatories:

1st. Does the present mode of assessing the landed property of  
 the State bear equally upon every portion of the State?

If not, what would be the best mode of equalizing the assessments?

Also please give us the probable expenses of any board of equali-  
 zation you may recommend, and the probable cost of the district  
 and State Boards of Equalization as provided for in the bill that has  
 passed the House on this subject, and was lost in the Senate.

In answer thereto I have the honor to submit the following state-  
 ment:

The manifest design, spirit and intention of the act of 1851, au-  
 thorizing the re-appraisement of the real property of the State,  
 were to bring upon the tax duplicates all such property at its full,  
 actual value. This intention was, however, very generally over-  
 looked or disregarded by the appraisers, and the result is, an ap-  
 praisement as objectionable for its inequality as any that have pre-

ceded it. Contiguous counties, where there is no perceptible difference in the quality, location or value of lands, are valued at opposite extremes, and individual cases of complaint are exceedingly numerous. Statement No. five (5) of the appendix to the last annual report from this office shows the average value of lands including improvements in the several counties of the State. A few specimens will suffice to show this inequality:

Dearborn, Ohio and Ripley counties are contiguous.

Dearborn is valued per acre at .....	\$15 81
Ohio is valued per acre at .....	5 75
Ripley is valued per acre at .....	4 24

Again:

Jennings is valued per acre at .....	\$5 07
Bartholomew is valued per acre at .....	9 37

Again:

Rush county is valued per acre at .....	\$14 87
Shelby county is valued per acre at .....	8 72

Again:

Huntington county is valued per acre at .....	\$3 72
Grant county is valued per acre at .....	6 00
Wabash county is valued per acre at .....	7 31

Examples of this kind may be found all over the State in proof of the injustice done under the appraisement, and that it has not "been equally upon every portion of the State."

The act of 1851 provided a remedy for this inequality in the case of individuals within the county, but none for the unequal appraisement of the several counties.

To apply the proper corrective, a State Board of Equalization is imperatively required, and the only question ought to be, how shall it be constituted?

Several plans have been proposed.

In 1841 a State Board of Equalization was provided for, the General Assembly being authorized to elect one person resident of each judicial circuit, who were to act in conjunction with the Auditor of State.

In Ohio the new law provides that "the State Board of Equalization shall consist of one member from each Senatorial district, elected by the people, who act with the Auditor."

Another proposition has been made, that the executive officers of the State shall alone constitute the Board of Equalization.

All of these plans are liable to objection. Under the act of 1841 the Legislature might err in the selection of the individual; and indeed no one man would be competent to fix the proper value of an entire judicial circuit, without personal examination of the territory.

Under the Ohio law, the State Board would be too unwieldy for the prompt and speedy despatch of business, while a board constituted of the executive officers could not do justice to so large a territory, not one-fourth of which they had ever personally visited.



The true system, I think, is contained in the bill before the Senate, commencing with the equalization of individual assessments, then of townships, counties, and finally of congressional districts, as contemplated in the bill referred to.

Beginning at the foundation, the complaints of individuals are the first to be adjusted by the county board. They also equalize the townships with each other. When this is accomplished, the several county auditors, who are the chief financial officers of their respective counties, and whose daily duties make them conversant with the valuation of property, assemble at the centre of each congressional district, to equalize, by counties; all the real estate therein situated.

One of their number is then selected from each district, who, with the Auditor of State, constitute the State Board, and all is subject to the final action of this body.

There can certainly be no more simple, systematical or efficient course of procedure, for the attainment of this desirable object,—the equalization of the public burdens.

The expenses under the bill may be estimated as follows:

Per diem of 91 county auditors on district boards, 6 days	
each, at \$2 50, .....	\$1,365 00
Per diem of 11 delegates to State Board, at \$30 each, ...	330 00
	<hr/>
	<u>\$1,695 00</u>

Average annual expense for appraisement for five years,...	\$339 00
Annual average expense for each county, .....	3 72½

To this sum should be added the actual traveling expense of the members. The expense is not, therefore, a serious objection.

I would only add, in conclusion, that I think a careful examination of the bill will commend its general features to the approval of the Senate.

Respectfully,

E. W. H. ELLIS,  
*Auditor of State.*

Which,

On motion,

Was laid on the table.

Mr. Dawson moved to reconsider the vote on ordering House bill No. 177 to a third reading; when

Mr. Knowlton moved a call of the Senate,

Which was ordered.

On motion by Mr. Eddy,

Mr. Athon was excused on account of illness.

The following Senators were absent:

Senators Longshore, Marshall, Newland, Reid and Spann.

On motion,

The call was suspended.

On motion by Mr. Dawson,

A call of the Senate was ordered.

The following Senators were absent :

Senators Longshore and Scobey.

The question being, will the Senate reconsider the vote?

It was decided in the affirmative. Ayes 30; noes 9.

The ayes and noes were demanded by Senators Slack and Berry.

*Those who voted in the affirmative were,*

Senators Alexander, Berry, Dawson, Defrees, Delevan, Dougherty, Eddy, Hatfield, Hickman, Holloway, Hunt, James, Kendall, Kinnard, Knowlton, Logan, Mickle, Milliken, Newland, Niblack, Odell, Saffer, Secrest, Teegarden, Todd, Turman, Walker, Washburn, Winsteadley, and Witherow.

*Those who voted in the negative were,*

Senators Brugh, Cravens, Hanna, Henton, Hester, Miller, Slack, Sleeth, and Spann.

Mr. Cravens moved to lay the bill on the table;

Which was decided in the negative—ayes 13, noes 25.

The ayes and noes were demanded by Senators Winsteadley and Alexander.

*Those who voted in the affirmative were,*

Senators Berry, Brugh, Cravens, Eddy, Hanna, Henton, Hester, Logan, Miller, Slack, Sleeth, Spann, and Washburn.

*Those who voted in the negative were,*

Senators Alexander, Dawson, Defrees, Delevan, Dougherty, Hatfield, Hickman, Holloway, Hunt, James, Kendall, Kinnard, Knowlton, Mickle, Milliken, Newland, Odell, Saffer, Secrest, Teegarden, Todd, Turman, Walker, Winsteadley, and Witherow.

Mr. Cravens moved to amend as follows:

In the second line of the 10th section, insert after the word "shall" the word "not."

Which was not adopted.

Mr. Hanna moved to amend as follows:

Strike out all that portion of the bill which authorizes the district boards of equalization.

Mr. Alexander moved to lay the amendment on the table;

Which motion prevailed.

Mr. Hunt moved the previous question;

Which was not seconded.

Mr. Berry moved to amend by adding the following sections:

SEC. —. That it shall be the duty of the auditor of each county in this State, on or before the first day of January, one thousand, eight hundred and fifty-three, and on or before the first day of January every fourth year thereafter to furnish the proper assessor of property for the assessment of State and county revenue, the particular tracts of land belonging to each individual within his proper district, as represented in the records of his office, and it shall be the duty of the assessor when he shall leave the blank schedule with each person, to be filled with his taxable personal property, to leave such description of the lands supposed to be by such person owned.

SEC. —. It shall be the duty of each person in this State, when furnished a list of his taxable property for the year 1853, and every fourth year thereafter, to, under oath, as is required in the assessment of personal property, make a full return of the cash value of all the real estate he shall own in the county where he resides, and for failing or refusing so to do, such person shall be liable to the same pains and penalties as shall be provided by law for refusing or failing to make out a full return of personal property.

SEC. —. The assessor shall fix the value on all real estate owned by non-residents, corporations, minors, insane persons, and idiots, which assessment shall be subject to the revision of the county commissioners of the county in which the assessment is made.

SEC. —. When the real estate in this State shall have been valued as contemplated in or by this act, it shall be the duty of the auditors of the several counties of this State to place such property and the value thereof, annually, upon the duplicate, and make it chargeable with its proper proportion of taxes that shall be directed by law.

Mr. Cravens moved to adjourn;

Which motion did not prevail.

The question then being on the adoption of the amendment,

Mr. Dawson moved to lay it on the table;

Which was decided in the affirmative. Ayes 21; noes 17.

The ayes and noes were demanded by Senators Mickle and Berry.

*Those who voted in the affirmative were,*

Senators Alexander, Dawson, Defrees, Delevan, Hatfield, Holloway, Hunt, Kendall, Kinnard, Knowlton, Milliken, Niblack, Odell, Saffer, Secrest, Teegarden, Todd, Walker, Washburn, Winsteadley, and Witherow.

*Those who voted in the negative were,*

Senators Berry, Brugh, Cravens, Dougherty, Eddy, Hanna, Henton, Hester, Hickman, James, Logan, Mickle, Miller, Newland, Slack, Sleeth, and Spann.

Mr. Mickle moved to indefinitely postpone the bill;

Which motion was decided in the negative—ayes 16, noes 23.

The ayes and noes were demanded by Senators Mickle and Berry.

*Those who voted in the affirmative were,*

Senators Berry, Brugh, Cravens, Eddy, Hanna, Henton, Hester, Logan, Mickle, Miller, Newland, Slack, Sleeth, Spann and Washburn.

*Those who voted in the negative were,*

Senators Alexander, Dawson, Defrees, Delevan, Dougherty, Hatfield, Hickman, Holloway, Hunt, James, Kendall, Kinnard, Knowlton, Milliken, Niblack, Odell, Saffer, Secrest, Teegarden, Todd, Walker, Winsteadley, and Witherow.

Mr. Slack moved to adjourn;

Which motion prevailed. Ayes 19, noes 18.

The ayes and noes were demanded by Senators Holloway, Newland, Hunt, Milliken and Alexander.

*Those who voted in the affirmative were,*

Senators Berry, Brugh, Cravens, Delevan, Dougherty, Eddy, Hanna, Henton, Hester, Hickman, James, Kinnard, Logan, Mickle, Miller, Odell, Slack, Sleeth, and Spann.

*Those who voted in the negative were,*

Senators Alexander, Dawson, Defrees, Hatfield, Holloway, Hunt, Kendall, Knowlton, Milliken, Newland, Niblack, Secrest, Teegarden, Todd, Walker, Washburn, Winsteadley, and Witherow.

2 o'clock, P. M.

The Senate met.

Mr. Holloway moved a call of the Senate;  
Which was ordered.

The following Senators were absent:

Senators Berry, Brugh, Dougherty, Hatfield, Henton, Longshore, Slack, and Washburn.

On motion,

The absentees were sent for.

On motion by Mr. Milliken,

The call was suspended.

The consideration of House bill No. 177 was resumed;

When,

Mr. Eddy moved to amend as follows:

In section 1, after the word "taxation," in the 5th line, insert the following:

"The owner or agent representing such real estate, giving the valuation thereof under oath."

Mr. Alexander moved to lay the amendment on the table;

Which was decided in the affirmative. Ayes 25; noes 13.

The ayes and noes were demanded by Senators Mickle and Eddy.

*Those who voted in the affirmative were,*

Senators Alexander, Brugh, Dawson, Defrees, Delevan, Dougherty, Henton, Holloway, Hunt, James, Kendall, Kinnard, Knowlton, Milliken, Niblack, Odell, Saffer, Secrest, Teegarden, Todd, Turman, Walker, Washburn, Winstandley, and Witherow.

*Those who voted in the negative were,*

Senators Berry, Cravens, Eddy, Hanna, Hester, Hickman, Logan, Mickle, Miller, Newland, Scobey, Sleeth, and Spann.

Mr. Eddy moved to

Strike out, after the words "to the," in the 3d line of the first page of said section, these words: "productions of the land."

Mr. Alexander moved to lay the amendment on the table;

Which motion prevailed.

Mr. Cravens moved to

Amend section 3 by adding after the word "county," in the 8th line, the words "and tracts of land in such townships."

Mr. Dawson moved the following amendment to the amendment:

Insert between the word "and," and the word "tract," the words: "upon complaint by the owner or agent."

Which was adopted.

The amendment, as amended, was then adopted.

Mr. Eddy moved to amend section 10, by striking out in said section, all after the word "respectively."

Mr. Alexander moved to lay the amendment on the table;

Which was agreed to.

Mr. Mickle moved to amend by striking out all that part of the bill which requires a State Board of Equalization.

Mr. Milliken moved to lay the amendment on the table;

Which motion prevailed.

Mr. Eddy moved to amend by striking out sections 13 and 14.

Mr. Milliken moved to lay the amendment on the table;

Which was decided in the affirmative. Ayes 24; noes 15.

The ayes and noes were demanded by Senators Eddy and Mickle.

*Those who voted in the affirmative were,*

Senators Alexander, Dawson, Dougherty, Hatfield, Hickman, Holloway, Hunt, James, Kendall, Kinnard, Knowlton, Longshore, Milliken, Niblack, Odell, Saffer, Secrest, Teegarden, Todd, Turman, Walker, Washburn, Winstandley and Witherow.

*Those who voted in the negative were,*

Senators Berry, Brugh, Cravens, Defrees, Delevan, Eddy, Henton, Hester, Logan, Mickle, Miller, Newland, Scobey, Sleeth, and Spann.

Mr. Milliken moved the previous question;

Which was not seconded.

Mr. Eddy moved to amend section 11 by striking out after the word "receive" in the 9th line of said section the word "two," and inserting the word "one."

Mr. Milliken moved to lay the amendment on the table;

Which motion prevailed.

Mr. Eddy moved to amend by striking out the word "six" in the 3d line, and the word "ten" in the last line in the proviso of section 11, and filling the blanks with the words "three" and "six" respectively.

Mr. Milliken moved to lay the amendment on the table;

Which was agreed to.

Mr. Eddy moved a call of the Senate.

Which was not ordered.

Mr. Cravens moved to

Insert in section 3, after the word "towns," the words "meeting houses, school houses, and also the disadvantages of tipling houses, still houses, negro settlements, and such nuisances as may lessen the value of the land."

Which motion did not prevail.

Mr. Hanna moved to amend by striking out the word "Vigo," where it occurs, and inserting in place thereof the word "Clay."

Which motion prevailed.

Mr. Cravens moved to amend by striking out "New Albany, in Floyd county," and inserting "Salem, in Washington county."

Which motion did not prevail.

Mr. Niblack moved to amend by inserting "the county seat of Pike county" as the place of meeting in the first district, instead of "the county seat of Gibson."

Which motion prevailed.

Mr. Saffer moved to amend as follows:

Strike out "county seat of Floyd county," and insert the "county seat of Harrison county."

Mr. Winstandley moved to lay the amendment on the table;

Which motion prevailed.

The question then being, Shall the amendments be engrossed, and the bill ordered to a third reading?

It was decided in the affirmative. Ayes 25; noes 15.

The ayes and noes were demanded by Senators Miller and Berry.

*Those who voted in the affirmative were,*

Senators Alexander, Dawson, Defrees, Delevan, Dougherty, Hatfield, Hickman, Holloway, Hunt, James, Kendall, Kinnard, Knowlton, Longshore, Milliken, Niblack, Odell, Saffer, Secrest, Teegarden, Todd, Turman, Walker, Winstandley, and Witherow.

*Those who voted in the negative were,*

Senators Berry, Brugh, Cravens, Eddy, Hanna, Henton, Hester, Logan, Mickle, Miller, Newland, Scobey, Sleeth, Spann, and Washburn.

By Mr. Eddy, from the select committee on Revision:

MR. PRESIDENT:

The joint committee on Revision, to whom was referred Senate bill No. 4, in relation to the Fort Wayne and Southern Railroad Company, have instructed me to report it back and recommend that it be laid upon the table, a general bill having passed upon that subject.

Which was concurred in.

By Mr. Eddy, from the same committee:

MR. PRESIDENT:

The joint committee on Revision, to whom was referred bill of the Senate No. 87, in relation to the Columbus Bridge Company, have directed me to report it back and recommend that it be laid on the table, inasmuch as the provisions of the same are incorporated in a general act.

Which was concurred in.

By Mr. Eddy, from the same committee:

MR. PRESIDENT:

The joint committee on Revision, to whom was referred House bill, No. 86, entitled "a bill establishing some general provisions respecting corporations," have considered the same, and directed me to report it back, and recommend that it be laid upon the table, as a bill upon the subject has already passed the Senate;

Which was concurred in.

By Mr. Eddy, from the same committee:

MR. PRESIDENT:

The joint committee on Revision, to whom was referred House bill, No. 131, have had the same under consideration, and instructed me to report it back, and recommend that it be laid upon the table, inasmuch as the provisions of the same, have been incorporated in a general bill upon that subject.

Which was concurred in.

By Mr. Eddy from the same committee:

MR. PRESIDENT:

The joint committee on Revision, to whom was referred House bill, No. 69, in regard to voluntary associations, have directed me to report it back and recommend that it be laid on the table; a bill having passed the Senate on the same subject.

Which was concurred in.

By Mr. Hatfield from a select committee:



MR. PRESIDENT:

The select committee to whom was referred House bill No. 242, have had the same under consideration and have directed me to report the same back with the accompanying amendment, and when so amended they recommend its passage; and they asked to be discharged from the further consideration thereof.

Amend by adding the following section:

SEC. — If such new county be established, as herein provided, all the property belonging to the counties of Perry and Spencer, situate and within such new county, and all the county property within such old counties shall be relinquished to the counties respectively, to which such property belonged before the formation of such new county; and all taxes assessed by such old counties upon persons and property within such new county, and collected during the year immediately preceding the formation of such new county, shall be paid over by the treasurers of such old counties, to the treasurer of such new county for the use thereof; and the auditors of such old counties shall furnish, on demand, the auditor of such new county with a transcript of the tax duplicate of the persons and property within such new county, made out for the year immediately preceding the formation thereof; which copy of such duplicate shall be entered of record in the proper duplicates of such new county, and be taken and received as sufficient authority to enable the proper officers of such new county to collect the State and county revenue thereof, until new duplicates are made out therefor, according to law.

The accompanying bill was read a second time, and the amendments of the committee concurred in; when,

Mr. Hatfield moved the following amendment:

Amend by adding in the 11th line, after the word "county," "or against such new county."

Which was adopted.

The amendments were ordered to be engrossed, and the bill ordered to a third reading.

By Mr. Hester, from the select committee on Revision:

MR. PRESIDENT:

The joint select committee on Revision, to whom was referred Senate bill No. 142, and pending amendments, have had the same under consideration, and have directed me to report the same back, and recommend the adoption of all the amendments but the 9th, which they recommend to be laid on the table; and they ask to be discharged from the further consideration thereof.

1. Amend by adding after the word "each," in the 12th line of section 11, the following:

"Except the number of persons liable to bear arms in such township be less than one hundred, in which case such company shall be composed of all persons in such township liable to bear arms."

2. Strike out the word "shall," in the 4th line of section 12, and insert in lieu thereof the word "may."

3. Strike out section 13.

4. Strike out "shall," in the 7th line of section 14, and insert "may."

5. Strike out sections 15 and 16.

6. Strike out of section 17, second line, the word "shall," and insert "may."

7. Strike out sections 18, 19, 20, 21 and 22.

8. Add after the word "militia," in the 5th line of section 25, the following: "to be active in time of war, and sedentary in time of peace."

The amendments of the committee were adopted, and the bill ordered to be engrossed.

Mr. Holloway moved to adjourn;

Which motion was decided in the negative. Ayes 9, noes 21.

The ayes and noes were demanded by Senators Miller, Berry, Dawson, Mickel, and Eddy.

*Those who voted in the affirmative were,*

Senators Dawson, Henton, Holloway, Hunt, Kendall, Kinnard, Milliken, Odell, and Turman.

*Those who voted in the negative were,*

Senators Berry, Cravens, Defrees, Delevan, Dougherty, Eddy, James, Knowlton, Logan, Mickel, Miller, Newland, Niblack, Scobey, Secrest, Spann, Todd, Walker, Washburn, Winstandley, and Witherow.

On motion,

A call of the Senate was ordered.

The following Senators were absent:

Messrs. Longshore, Sleeth, and Teegarden.

Mr. Milliken moved to suspend the further call.

Which did not prevail.

On motion,

The absentees were sent for.

On motion by Mr. Miller,

The call was suspended.

The following message was received from the House of Representatives, by Mr. Sites, their clerk:

**MR. PRESIDENT:**

I am directed by the House of Representatives to inform the Senate, that the House has passed the following engrossed bills of the Senate:

No. 128. A bill providing for the election and prescribing certain duties of the Clerk of the Supreme Court.

No. 130. A bill providing for the appointment, and prescribing the duties and liabilities of deputies of certain officers.

No. 134. A bill to provide for the appointment of a sheriff of the Supreme Court, and prescribing certain of his duties and fees.

No. 136. A bill transferring the duties of county agent to county auditor.

Without amendment.

Also the following message was received from the House of Representatives, by Mr. Sites, their Clerk:

**MR. PRESIDENT:**

I am directed by the House of Representatives to inform the Senate that the House has concurred in the resolution of the Senate relating to the engrossed amendments of the Senate to engrossed bill of the House No. 70, "a bill to establish courts of common pleas, and defining the jurisdiction and duties of the judges thereof.

Also, the following message was received from the House of Representatives, by Mr. Sites, their Clerk:

**MR. PRESIDENT:**

I am directed by the House to inform the Senate that the Speaker has signed the following enrolled bills thereof: Nos. 79 and 214; which I am directed to bring to the Senate for the signature of the President thereof.

Whereupon the President signed the same.

Mr. Turman, from the joint committee on Enrolled Bills, submitted the following report:

**MR. PRESIDENT:**

The joint committee on Enrolled Bills have compared the following enrolled bills thereof, and find them correct:

Senate bill No. 122, entitled "an act to organize a supreme court, and prescribing certain duties of the judges thereof."

Senate bill No. 126, entitled "an act to authorize the formation of voluntary associations."

They have also compared Senate bill No. 121, entitled "an act for the incorporation of High schools, academies, colleges, universities, theological institutions and missionary boards," with the original copy thereof and engrossed amendments of the House thereto, and find it correct.

On motion by Mr. Henton,

The Senate adjourned.

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THURSDAY MORNING, }  
May 13th, 1852. }

The Senate met.

The journal of yesterday was read.

#### PETITIONS PRESENTED.

By Mr. Slack:

The petitions from citizens of Huntington county, praying the passage of a law similar to the Maine liquor law;

Which,

On his motion,

Were referred to the committee on Temperance.

By Mr. Holloway:

The petition of citizens of Wayne county, asking the passage of the Maine liquor law;

Which,

On his motion,

Was referred to the committee on Temperance.

#### REPORTS SUBMITTED.

By Mr. Turman, from a select committee:

MR. PRESIDENT;

The select committee to whom was referred House bill No. 74, "A bill for the subscription to, and preservation of the public newspapers, printed in the several counties of this State," have had the same under consideration, and directed me to report it back with one amendment, upon the adoption of which they recommend its passage.

Amend section 1 by striking from the 4th line the words "may at their option," and inserting in lieu thereof the word "shall."

The amendment of the committee was concurred in, and the bill ordered to a third reading.

On motion of Mr. Niblack,

The order of business was suspended; when

Mr. Niblack moved to take from the table Senate bill No. 150;

Which motion prevailed.

The bill was then ordered to be engrossed.

#### ORDERS OF THE DAY.

##### *Bills on the Third reading.*

Senate Joint Resolution No. 166. A joint resolution in relation to Stephen's tax rule;

Was read a third time.

And the question being, shall the joint resolution pass?

It was decided in the negative. Ayes 13; noes 24.

*Those who voted in the affirmative were,*

Senators Athon, Brugh, Defrees, Delevan, Eddy, Holloway, Longshore, Mickle, Niblack, Odell, Secrest, Slack, Teegarden, and Washburn.

*Those who voted in the negative were,*

Senators Alexander, Berry, Cravens, Dougherty, Hatfield, Henton, Hester, Hunt, James, Kendall, Kinnard, Knowlton, Logan, Miller, Milliken, Saffer, Scobey, Sleeth, Spann, Todd, Turman, Walker, Winstandley, and Witherow.

On motion by Mr. Hester,

The order of business was suspended.

The following message was received from the House of Representatives, by Mr. Sites, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House have ordered a committee of Conference to take into consideration the amendment of the Senate to House bill No. 70, "a bill to establish a court of common pleas and defining the duties and providing compensation for the judges thereof," in regard to increasing the jurisdiction of said court of common pleas:

That the House has appointed Messrs. Gookins, Brady, and Davis of Sullivan the committee on the part of the House to act with a similar committee on the part of the Senate:

A reciprocation of this order is respectfully requested.

Which was reciprocated, and

Senators Hester, Turman and Mickle were appointed said committee on the part of the Senate.

House bill No. 204. A bill concerning the partition of lands;  
Was read a third time and passed. Ayes 38; noes 2.

*Those who voted in the affirmative were,*

Senators Athon, Berry, Brugh, Cravens, Dawson, Defrees, Delevan, Dougherty, Eddy, Hanna, Hatfield, Henton, Hester, Hickman, Holloway, Hunt, James, Kendall, Kinnard, Knowlton, Logan, Mickle, Miller, Milliken, Newland, Niblack Odell, Saffer, Scobey, Secrest, Slack, Sleeth, Spann, Todd, Walker, Washburn, Winstandley, and Witherow.

Senators Teegarden and Turman voted in the negative.

House bill No. 237. A bill declaring what documents shall be published along with the Revised Statutes;

Was read a third time and passed. Ayes 34; noes 4.

*Those who voted in the affirmative were,*

Senators Athon, Berry, Brugh, Cravens, Dawson, Defrees, Delevan, Dougherty, Henton, Hester, Holloway, Hunt, James, Kendall, Logan, Mickle, Miller, Milliken, Newland, Niblack, Odell, Saffer, Scobey, Secrest, Slack, Sleeth, Spann, Teegarden, Todd, Turman, Walker, Washburn, Winstandley, and Witherow.

*Those who voted in the negative were,*

Senators Hatfield, Hickman, Kinnard, and Knowlton.

House bill No. 241. A bill in relation to commissioners' certificates and resignations of officers;

Was read a third time and passed—ayes 40, noes 0.

*Those who voted in the affirmative were,*

Senators Alexander, Athon, Berry, Brugh, Cravens, Dawson, De-frees, Delevan, Dougherty, Eddy, Hanna, Hatfield, Henton, Hester, Hickman, Holloway, Hunt, James, Kendall, Kinnard, Knowlton, Logan, Mickle, Miller, Milliken, Newland, Niblack, Odell, Saffer, Scobey, Secrest, Slack, Sleeth, Spann, Teegarden, Todd, Turman, Walker, Washburn, Winstandley, and Witherow.

House bill No. 236. A bill containing several provisions regarding landlords, tenants, lessors, and lessees;

Was read a third time; and

The question being, shall the bill pass?

It was decided in the affirmative—ayes 38, noes 2.

*Those who voted in the affirmative were,*

Senators Alexander, Athon, Berry, Brugh, Cravens, Dawson, De-frees, Delevan, Dougherty, Eddy, Hanna, Hatfield, Henton, Hester, Hickman, Holloway, Hunt, James, Kendall, Kinnard, Knowlton, Logan, Mickle, Miller, Milliken, Newland, Niblack, Odell, Saffer, Scobey, Secrest, Slack, Sleeth, Spann, Todd, Turman, Walker, Washburn, and Winstandley.

Senators Teegarden and Witherow voted in the negative.

House bill No. 242. A bill to submit to the voters of the counties of Perry and Spencer, at the general election for the year 1852, a proposal to create a new county, &c.,

Was read a third time, and

The question being, shall the bill pass?

It was decided in the affirmative. Ayes 41; noes 0.

*Those who voted in the affirmative were,*

Senators Alexander, Athon, Berry, Brugh, Cravens, Dawson, De-frees, Delevan, Dougherty, Eddy, Hanna, Hatfield, Henton, Hester,

Hickman, Holloway, Hunt, James, Kendall, Kinnard, Knowlton, Logan, Mickle, Miller, Milliken, Newland, Niblack, Odell, Saffer, Scobey, Secrest, Slack, Sleeth, Spann, Teegarden, Todd, Turman, Walker, Washburn, Winstandley, and Witherow.

House bill No. 177. A bill to provide for equalizing the appraisement for taxation of the real property in the State of Indiana,

Was read a third time; when,

On motion by Mr. Milliken,

A call of the Senate was ordered.

Senators Longshore and Saffer were absent.

On motion by Mr. Eddy,

The call was suspended.

The question then being, shall the bill pass?

It was decided in the negative. Ayes 18; noes 21.

*Those who voted in the affirmative were,*

Senators Dawson, Dougherty, Hatfield, Hickman, Holloway, James, Kendall, Kinnard, Knowlton, Milliken, Odell, Secrest, Teegarden, Todd, Turman, Walker, Winstandley, and Witherow.

*Those who voted in the negative were,*

Senators Alexander, Berry, Brugh, Cravens, Defrees, Delevan, Eddy, Hanna, Henton, Hester, Hunt, Logan, Mickle, Miller, Newland, Niblack, Scobey, Slack, Sleeth, Spann, and Washburn.

The following message was received from the House of Representatives by Mr. Sites their clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the Speaker has signed the following enrolled bills of the Senate:

No. 121, 122, and 126; which I am directed to bring to the Senate for the signature of the President thereof:

Whereupon the President signed the same.

Also, the following message was received from the House of Representatives by Mr. Sites their clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the Speaker has signed the following engrossed bills thereof:



Nos. 211, 215, 217, 218, 219, 220, 226, 227, 229 and 235. Also bills of the Senate Nos. 128, 130, 134 and 136; which I am directed to bring to the Senate for the signature of the President thereof.

Whereupon the President signed the same.

Senate bill, No. 169. A bill to revise, simplify and abridge the rules of practice, pleading, and forms, in civil cases in the courts in this State, to abolish distinct forms of actions at law, and to provide for the administration of justice in a uniform mode of pleading and practice; without distinction between law and equity, the reading of which was commenced and suspended on the 11th,

Was taken up.

The clerk proceeded with the reading,

Pending which,

On motion by Mr. Kinnard,

The Senate adjourned.

2 o'clock, P. M.

The Senate met.

The reading of the Indiana code of Practice, being Senate bill No. 169, was resumed.

After reading some time,

Mr. Logan moved to adjourn,

Which was not agreed to.

The bill was then read through a first time and passed to a second reading.

#### HOUSE BILLS ON THEIR SECOND READING.

House bill, No. 245. A bill concerning the three per cent. fund, and the management thereof:

Was read a second time and ordered to a third reading.

House bill, No. 244. A bill concerning liens of mechanics, merchants, and others:

Was read a second time and ordered to a third reading.

House joint resolution, No. 28. A joint resolution on the subject

of donating the government lands in the State of Indiana to the State;

Was read a second time and ordered to a third reading.

House joint resolution, No. 29. A joint resolution in relation to the practice and pleadings in the United States Courts;

Was read a second time and ordered to a third reading.

House bill No. 205. A bill prescribing the duties of Treasurer of State;

Was read a second time and ordered to a third reading.

House bill No. 254. A bill fixing the per diem and mileage of the members of the General Assembly;

Was read a second time and ordered to a third reading.

House bill No. 253. A bill concerning Saline lands;

Was read a second time and ordered to a third reading.

House bill No. 221. A bill concerning county prisons;

Was read a second time and ordered to a third reading.

House bill No. 213. A bill touching official bonds and oaths;

Was read a second time; when

Mr. Saffer moved to strike out that portion which requires constables to file their bonds in the clerk's office.

Mr. Mickle moved to lay the bill on the table;

Which was agreed to.

House bill No. 251. A bill for the regulation of the penitentiary;

Was read a second time; when,

Mr. Saffer moved to strike out that portion which requires the chaplain to reside in Jeffersonville;

Which prevailed.

The amendment was ordered to be engrossed, and the bill ordered to a third reading.

Senate bill No. 168. A bill authorizing the sinking of a cistern within the State House square;

Was read a second time and ordered to be engrossed for a third reading.

The following message was received from the House of Representatives, by Mr. Sites, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bills of the Senate:

No. 135. "A bill to regulate the toll of grist mills, and prescribing certain duties of millers."

No. 132. "A bill prescribing the manner of compelling officers to give new bonds and additional sureties."

With sundry amendments, in which the concurrence of the Senate is respectfully requested.

The Senate refused to concur in the engrossed amendments of the House to Senate bill No. 135.

Mr. Hester moved to concur in the engrossed amendment of the House to Senate bill No. 132, with the following amendment:

Strike out the amendment of the House and insert the following:

"And such bond thus signed by such additional sureties, shall be valid against the principal, the original and the new sureties; and all such sureties shall be jointly and severally liable for the official acts of such principal, from the date of the original execution of such bond."

Which motion prevailed.

The following message was received from the House of Representatives, by Mr. Sites, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bills of the Senate:

No. 124. A bill to establish and regulate ferries.

No. 138. A bill providing for the election of clerks of the circuit court, and prescribing some of their duties.

No. 139. A bill to provide for the election of county sheriffs and prescribing some of their duties.

With sundry engrossed amendments.

In which the concurrence of the Senate is respectfully requested.

The Senate refused to concur in the 1st amendment of the House to Senate bill No. 124.

Mr. Milliken moved to concur in the 2d amendment of the House with the following amendment:

Add to section 6 the following:

"And said board may, on any navigable river being the boundary line between this and another State, require any ferry keeper on any such river, to keep and maintain a good and sufficient ferry boat at the ferry landing, in this State, when said ferry-keeper is not actually engaged in ferrying across said river.

Which was decided in the negative.

The Senate concurred in the engrossed amendment of the House to Senate bill No. 138.

The Senate refused to concur in the engrossed amendment of the House to Senate bill No. 139.

Mr. Hester moved to reconsider the vote concurring in the engrossed amendment of the House to Senate bill 138.

Which was agreed to.

The question being, will the Senate concur in the engrossed amendment of the House to Senate bill No. 138?

It was decided in the negative.

The following message was received from the House of Representatives by Mr. Sites, their clerk:

**MR. PRESIDENT:**

I am directed by the House of Representatives to inform the Senate that the House has concurred in the amendments of the committee of Conference of the Senate and House, to bill of the House No. 70, entitled "A bill to establish courts of common pleas, and defining the jurisdiction and duties of the judges thereof."

Also, the following message was received from the House by Mr. Sites, their Clerk :

**MR. PRESIDENT:**

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof:

No. 238, "an act concerning interest on money;"

In which the concurrence of the Senate is respectfully requested.

The accompanying bill was read a first time and passed to a second reading.

Also, the following message from the House, by Mr. Sites, their Clerk:

**MR. PRESIDENT:**

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof:

No. 45, entitled "A bill to enforce the thirteenth article of the Constitution;"

In which the concurrence of the Senate is respectfully requested.

The accompanying bill was read a first time, and passed to a second reading.

Also, the following message was received from the House by Mr. Sites, their Clerk :

**MR. PRESIDENT:**

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof:

No. 207, "An act regarding the public works of the State;"

In which the concurrence of the Senate is respectfully requested.

The accompanying bill was read a first time and passed to a second reading.

Also, the following message from the House, by Mr. Sites, their Clerk:

**MR. PRESIDENT:**

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof:

No. 240, "an act prescribing the duties of Secretary of State;"

In which the concurrence of the Senate is respectfully requested.

The accompanying bill was read the first time and passed to a second reading.

When,

On motion by Mr. Niblack,  
The Senate adjourned.

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FRIDAY MORNING, }  
May 14, 1852. }

Senate met.

The journal of yesterday was read.

**REPORTS SUBMITTED.**

By Mr. Hester, from a select committee:

MR. PRESIDENT:

The select committee to whom was referred Senate bill No. 167, have had the same under consideration and a majority have instructed me to report the same back, with the accompanying amendments, and when so amended they recommend its passage; and they ask to be discharged from the further consideration thereof.

Amend by striking out from the enacting clause and insert the following:

SEC. —. No person shall be permitted to vend intoxicating liquors in a quantity less than a quart at a time, unless he shall procure the written consent thereto of a majority of the voters of the township wherein he desires to vend such liquors; and whenever such consent is procured any person may vend such liquors in such township, in any quantity under the regulations herein prescribed, during one year from and after the filing of such written consent with the trustees of such township, without procuring any additional consent.

SEC. —. Whenever any person shall notify the township clerk that he has procured such consent, such clerk shall notify the trustees of such township thereof, and such trustees shall meet at a time and place to be designated, such notice not exceeding three days after receipt of such consent, which they shall proceed to examine, and if satisfied that a majority of all the voters of such township have signed the same, they shall direct such clerk to issue license to the person applying to vend such liquors by retail, upon his paying to the treasurer of such township a sum to be by such trustees then and there designated, not less than ten, nor more than one hundred dollars.

SEC. —. But before issuing such license, such clerk shall take from such person bond in the penal sum of five hundred dollars, with surety to be by him approved, conditioned that he will not knowingly permit any gaming on the premises where he shall vend such liquors, that he will not knowingly sell such liquor to a minor, or to any other person to be drank by such minor, or to a person in a state of intoxication, or to any one who is an habitual drunkard; and that he will not sell such liquors to any person on Sunday, except in case of sickness; which bond shall be filed with such clerk.

SEC. —. Immediately after executing such bond, such person shall take and subscribe an oath that he will not knowingly violate the conditions thereof, which oath shall also be filed with such clerk.

SEC. —. Upon receiving information of the violation of the conditions of such bond, such clerk shall cause suit to be immediately instituted thereon, in the name of such township, by the deputy prosecuting attorney of the county, and in such suit a copy of such bond, duly certified to be a true copy by such clerk, shall be all the cause of action necessary. In case of recovery thereon, the measure of damages shall not be less than twenty-five dollars; and on the trial

thereof, the person to whom such liquors were sold, shall be a competent witness, if otherwise credible; and all sums recovered in such suit by such township, and all sums received for such licenses, shall be paid to the common school fund thereof.

SEC. —. But the township trustees may pay all such damages, or any part thereof, to the wife of an habitual drunkard, or to the parents of a minor to whom such liquors were sold, or to a trustee, under such regulations as they may prescribe, to be expended for the benefit of the children of such drunkard, if they shall deem the pecuniary circumstances of such wife, children or parents such as to demand such a disposition of such damages.

SEC. —. If there shall be no such clerk in such township, then the duties herein devolved upon him shall be performed by such treasurer; and if there be no such treasurer nor clerk, then the duties devolved upon such clerk, shall be performed by the auditor of the county, and those herein prescribed to be performed by such treasurer, shall devolve upon the treasurer of the county, and those which are to be discharged as herein provided by such trustees, shall be performed by such auditor, treasurer of the county, and clerk of the circuit court thereof.

SEC. —. No greater sum shall be required for such license, by any incorporated town or city, than is required by such trustees.

On motion by Mr. Logan,

The bill and amendment were laid on the table.

Mr. Miller moved to suspend the order of business;

Which was agreed to.

Mr. Miller, from the committee on Roads, submitted the following report:

MR. PRESIDENT:

The committee on Roads, to whom was referred the petition of sundry citizens of the county of Harrison, asking an appropriation of \$2,500 dollars, to be expended in the construction of a bridge over Buck Creek in said county, have had the same under consideration, and have directed me to report, that the Legislature does not possess the constitutional power to grant the prayer of said petition; and that the petitioners can accomplish their object under the provisions of the general law upon the subject of roads. They therefore recommend the petition to be laid on the table, and ask to be discharged from the further consideration of the subject.

Which was concurred in.

Mr. Mickle, from a select committee, submitted the following report:

MR. PRESIDENT:

The select committee to whom was referred House bill No. 200, entitled an act prescribing the powers and duties of justices of the peace in State prosecutions, have had the same under consideration, and a majority thereof have instructed me to report the same back with sundry amendments, and when so amended, recommend its passage:

Amend section 18, in the second line, by striking out the words "and costs."

Also, amend the 5th line by striking out the words "and costs."

Also amend the 19th section by striking out of the 5th and 6th lines the word, "and costs."

The amendments were concurred in, and ordered to be engrossed and the bill ordered to a third reading.

Mr. Mickle introduced

No. 170. A joint resolution authorizing the Secretary of State to publish and circulate "an act to provide for the incorporation of railroad companies.

Which was read a first time and passed to a second reading.

#### ORDERS OF THE DAY.

#### *Bills on their Third reading.*

House bill No. 150. A bill to repeal "an act entitled an act for the relief of Michael Grannin, jr.," late of Daviess county, approved February 13, 1851;

Was read a third time and passed. Ayes 37, noes 0.

#### *Those who voted in the affirmative were,*

Senators Alexander, Berry, Brugh, Dawson, Defrees, Delevan, Dougherty, Eddy, Emerson, Hanna, Hatfield, Henton, Hester, Hickman, Hicks, Holloway, Hunt, James, Kendall, Kinnard, Knowlton, Logan, Mickle, Milliken, Newland, Niblack, Odell, Saffer, Scobey, Secrest, Slack, Sleeth, Teegarden, Todd, Turman, Walker, Washburn, and Winstandley.

House bill No. 244. A bill concerning the liens of mechanics, merchants, and others;

Was read a third time and passed—ayes 37, noes 0.



*Those who voted in the affirmative were,*

Senators Alexander, Berry, Brugh, Dawson, Defrees, Delevan, Dougherty, Eddy, Emerson, Hanna, Hatfield, Henton, Hester, Hickman, Hicks, Holloway, Hunt, James, Kinnard, Knowlton, Mickle, Milliken, Newland, Niblack, Odell, Saffer, Scobey, Secrest, Slack, Sleeth, Teegarden, Todd, Turman, Walker, Washburn, and Winsteadley.

House bill No. 245. A bill concerning the three per cent. fund, and the management thereof ;

Was read a third time and passed. Ayes 38; noes 0.

*Those who voted in the affirmative were,*

Senators Alexander, Berry, Brugh, Dawson, Defrees, Delevan, Dougherty, Eddy, Emerson, Hanna, Hatfield, Henton, Hester, Hickman, Hicks, Holloway, Hunt, James, Kendall, Kinnard, Knowlton, Logan, Mickle, Milliken, Newland, Niblack, Odell, Saffer, Scobey, Secrest, Slack, Sleeth, Teegarden, Todd, Turman, Walker, Washburn, and Winsteadley.

House joint resolution No. 28. A joint resolution on the subject of donating the government lands of the State of Indiana to the State ;

Was read a third time and passed. Ayes 38; noes none.

*Those who voted in the affirmative were,*

Senators Alexander, Berry, Brugh, Dawson, Defrees, Delevan, Dougherty, Eddy, Emerson, Hanna, Hatfield, Henton, Hester, Hickman, Hicks, Holloway, Hunt, James, Kendall, Kinnard, Knowlton, Logan, Mickle, Milliken, Newland, Niblack, Odell, Saffer, Scobey, Secrest, Slack, Sleeth, Teegarden, Todd, Turman, Walker, Washburn, and Winsteadley.

House joint resolution No. 29. A joint resolution in relation to the practice and pleadings in the United States Courts ;

Was read a third time,

And the question being, shall the joint resolution pass ?

It failed for want of a constitutional majority—ayes 21, noes 16.

*Those who voted in the affirmative were,*

Senators Alexander, Brugh, Dawson, Defrees, Delevan, Hatfield,

Henton, Hester, Hicks, Hunt, Kinnard, Knowlton, Milliken, Niblack, Odell, Saffer, Slack, Sleeth, Todd, Turman, and Washburn.

*Those who voted in the negative were,*

Senators Berry, Dougherty, Eddy, Emerson, Hanna, Hickman, Holloway, James, Kendall, Logan, Mickle, Scobey, Secrest, Teegarden, Walker, and Winstandley.

House bill No. 255. A bill prescribing the duties of Treasurer of State;

Was read a third time and passed. Ayes 34; noes 2.

*Those who voted in the affirmative were,*

Senators Alexander, Berry, Brugh, Defrees, Delevan, Dougherty, Eddy, Emerson, Hanna, Hatfield, Henton, Hester, Hickman, Hicks, Holloway, James, Kendall, Kinnard, Knowlton, Logan, Mickle, Milliken, Newland, Niblack, Odell, Saffer, Scobey, Secrest, Slack, Sleeth, Todd, Turman, Walker, Washburn, and Winstandley.

Senators Dawson and Teegarden voted in the negative.

House bill No. 253. A bill concerning saline lands;

Was read a third time and passed—ayes 36, noes none.

*Those who voted in the affirmative were,*

Senators Alexander, Berry, Brugh, Dawson, Defrees, Delevan, Dougherty, Emerson, Hanna, Hatfield, Henton, Hester, Hickman, Hicks, Holloway, James, Kendall, Kinnard, Knowlton, Logan, Mickle, Milliken, Newland, Niblack, Odell, Saffer, Scobey, Secrest, Slack, Sleeth, Teegarden, Todd, Turman, Walker, Washburn, and Winstandley.

House bill No. 251. A bill for the regulation of the penitentiary;

Was read a third time and passed—ayes 32, noes 4.

*Those who voted in the affirmative were,*

Senators Alexander, Brugh, Dawson, Defrees, Delevan, Dougherty, Hanna, Hatfield, Henton, Hester, Hickman, Hicks, Holloway, Kendall, Kinnard, Knowlton, Logan, Mickle, Milliken, Newland, Niblack, Odell, Saffer, Secrest, Slack, Sleeth, Teegarden, Todd, Turman, Walker, Washburn, and Winstandley.

*Those who voted in the negative were,*

Senators Berry, Emerson, James, and Scobey.

House bill No. 221. A bill concerning county prisons;  
Was read a third time; when,

Mr. Secrest moved to strike out all after the word "prison," in the 5th line of the 5th section;

Which was unanimously agreed to.

The question then being, shall the bill pass?

It was decided in the affirmative. Ayes 29; noes 7.

*Those who voted in the affirmative were,*

Senators Dawson, Defrees, Delevan, Hanna, Hatfield, Henton, Hester, Hickman, Hicks, Holloway, Hunt, James, Kendall, Kinnard, Knowlton, Logan, Mickle, Milliken, Newland, Niblack, Odell, Saffer, Scobey, Slack, Sleeth, Teegarden, Turman, Walker, and Washburn.

*Those who voted in the negative were,*

Senators Berry, Brugh, Dougherty, Emerson, Secrest, Todd, and Winstandley.

House bill No. 254. A bill fixing the per diem and mileage of the members of the General Assembly;

Was read a third time; when,

Mr. Winstandley moved to strike out the word "travelled," after the word "direct," in the first section;

Which was not agreed to.

The question then being, shall the bill pass,

It failed for want of a constitutional majority—ayes 24, noes 14.

*Those who voted in the affirmative were,*

Senators Alexander, Dawson, Delevan, Dougherty, Hanna, Hatfield, Henton, Hester, James, Kinnard, Knowlton, Logan, Milliken, Niblack, Saffer, Scobey, Secrest, Slack, Sleeth, Sleeth, Teegarden, Turman, Walker, and Washburn.

*Those who voted in the negative were,*

Senators Berry, Brugh, Defrees, Emerson, Hickman, Hicks, Holloway, Hunt, Kendall, Mickle, Newland, Odell, Todd, and Winstandley.

The following message from the House of Representatives, by Mr. Sites, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following resolution:

*Resolved*, That the members of this House and the Senate accompany the remains of the Hon. Joseph W. Holliday to the depot, this day, at 1½ o'clock.

In which the concurrence of the Senate is respectfully requested.  
Which was reciprocated.

Senate bill No. 168. A bill authorizing the sinking of a cistern within the State House square;

Was read a third time; when

On motion by Mr. Winsteadley,

The bill was laid on the table.

House bill No. 14. A bill for the subscription to and preservation of the public newspapers printed within the several counties of this State;

Was read a third time and failed for want of a constitutional majority. Ayes 16; noes 20.

*Those who voted in the affirmative were,*

Senators Alexander, Dawson, Eddy, Hester, Hicks, Holloway, Hunt, Kendall, Mickle, Milliken, Newland, Niblack, Slack, Sleeth, Teegarden, and Todd.

*Those who voted in the negative were,*

Senators Berry, Brugh, Defrees, Delevan, Dougherty, Emerson, Hanna, Hatfield, Henton, Hickman, James, Knowlton, Logan, Odell, Scobey, Secrest, Turman, Walker, Washburn, and Winsteadley.

Mr. Turman moved to reconsider the vote just taken.

Which motion prevailed; when

On motion by Mr. Hester,

The bill was laid on the table.

Senate bill No. 142. A bill to organize the militia, providing for the appointment, and prescribing the duties of certain officers thereof;

Was read a third time and passed. Ayes 28; noes 9.

*Those who voted in the affirmative were,*

Senators Alexander, Brugh, Dawson, Delevan, Eddy, Emerson, Hanna, Henton, Hester, Hicks, Hunt, James, Kinnard, Logan, Mickle, Milliken, Newland, Niblack, Saffer, Scobey, Secrest, Slack, Sleeth, Todd, Turman, Walker, Washburn, and Winstandley.

*Those who voted in the negative were,*

Senators Berry, Defrees, Dougherty, Hatfield, Hickman, Holloway, Kendall, Knowlton, and Odell.

The following message was received from the House of Representatives, by Mr. Sites, their Clerk:

**MR. PRESIDENT:**

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill of the Senate:

No. 145. An act to provide for electing electors for President and Vice President of the United States.

Also, Joint Resolution of the Senate,

No. 144. A joint resolution in relation to the Indiana Normal University for the education of females.

Without amendment.

Also, the following message was received from the House of Representatives, by Mr. Sites, their Clerk:

**MR. PRESIDENT:**

I am directed by the House of Representatives to inform the Senate that the Speaker has signed the following enrolled bills thereof:

Nos. 70 and 201, which I am directed to bring to the Senate for the signature of the President thereof.

The following message was received from his Excellency, the Governor, by Mr. King, his private secretary:

**MR. PRESIDENT:**

I am directed by the Governor to inform the Senate that he has approved and signed the following bills, to-wit:

No. 134. An act to provide for the appointment of a sheriff of the supreme court, and prescribing certain of his duties and fees.

No. 121. An act for the incorporation of high schools, academies, colleges, universities, theological institutions, and missionary boards.

No. 136. An act transferring the duties of county agent to county auditor.

No. 130. An act providing for the appointment of deputies for certain officers, and prescribing their duties and liabilities.

No. 128. An act providing for the election and prescribing certain duties of the clerk of the supreme court.

No. 126. An act to authorize the formation of voluntary associations.

No. 122. An act to organize a supreme court, and prescribing certain duties of the judges thereof.

Which bills originated in the Senate.

#### BILLS ON SECOND READING.

House bill No. 199. A bill providing for the election and qualification of justices of the peace, and defining their jurisdiction, powers and duties in civil cases;

Was read a second time, when

Mr. Milliken moved to

Amend section 13, by adding after the word "reside," in the first line, the words "or where the debt was contracted."

Which was decided in the negative. Ayes 16; noes 19.

The ayes and noes were demanded by Senators Emerson and Secrest.

*Those who voted in the affirmative were,*

Senators Berry, Defrees, Eddy, Hatfield, Hicks, Holloway, James, Kendall, Knowlton, Logan, Milliken, Newland, Niblack, Saffer, Washburn, and Winstandley.

*Those who voted in the negative were,*

Senators Brugh, Dawson, Delevan, Dougherty, Emerson, Hanna, Henton, Hickman, Hunt, Kinnard, Mickle, Miller, Odell, Scobey, Secrest, Slack, Todd, Turman, and Walker.

Mr. Niblack moved to

Add the following proviso to section 13:

*Provided, That the maker or makers of any promissory note or instrument of agreement in writing, may be sued in any township*

in which such promissory note or instrument or agreement in writing may, by the terms thereof, be made payable or collectable.

Which was decided in the negative—ayes 16, noes 20.

The ayes and noes were demanded by Senators Emerson and Slack.

*Those who voted in the affirmative were,*

Senators Berry, Defrees, Hatfield, Hester, Hicks, Holloway, James, Kendall, Knowlton, Logan, Milliken, Newland, Niblack, Saffer, Sleeth, and Winstandley.

*Those who voted in the negative were,*

Senators Allen, Brugh, Dawson, Delevan, Dougherty, Emerson, Henton, Hickman, Hunt, Kinnard, Mickle, Miller, Odell, Scobey, Secrest, Slack, Todd, Turman, Walker, and Washburn.

Mr. Slack moved to

Strike out of the 10th section all after the word "dollars," in the 6th line.

Mr. Niblack moved a call of the Senate;

Which was not ordered.

Mr. Scobey moved to amend the amendment as follows:

Strike out \$200 and insert \$300.

Mr. Miller moved to lay the amendment to the amendment on the table.

Which was decided in the affirmative. Ayes 27; noes 8.

The ayes and noes were demanded by Senators Scobey and Slack.

*Those who voted in the affirmative were,*

Senators Allen, Berry, Brugh, Delevan, Dougherty, Emerson, Hatfield, Henton, Hickman, Hicks, Holloway, Hunt, James, Kinnard, Knowlton, Logan, Mickle, Miller, Newland, Niblack, Secrest, Slack, Sleeth, Turman, Walker, Washburn, and Winstandley.

*Those who voted in the negative were,*

Senators Defrees, Hester, Kendall, Milliken, Odell, Saffer, Scobey, and Todd.

The question then being, Will the Senate adopt the amendment?

It was decided in the negative. Ayes 12; noes 24.

The ayes and noes were demanded by Senators Slack and Mickle.

*Those who voted in the affirmative were,*

Senators Dougherty, Emerson, Hicks, James, Kendall, Logan, Newland, Niblack, Secrest, Slack, Washburn, and Winsteadley.

*Those who voted in the negative were,*

Senators Allen, Berry, Brugh, Dawson, Defrees, Delevan, Hatfield, Henton, Hester, Hickman, Holloway, Hunt, Kinnard, Knowlton, Mickle, Miller, Milliken, Odell, Saffer, Scobey, Sleeth, Todd, Turman, and Walker.

Mr. Knowlton moved to amend the bill so as to increase the jurisdiction of the justices to two hundred dollars, instead of one hundred, in civil cases.

Which amendment was,

On motion by Mr. Secrest,

Laid on the table.

Mr. Saffer moved to amend by inserting after the word "oath," in section 17, the words "solemnize marriages."

Which amendment was not adopted.

Mr. Slack moved to amend section 35 by striking out the word "informal," in the tenth line.

Which motion prevailed.

Mr. Milliken moved to reconsider the vote just taken;

Which was agreed to.

Mr. Mickle moved to suspend the previous order of business;

Which motion prevailed.

Whereupon, he offered the following resolution:

*Resolved,* That when the Senate adjourns, it adjourn to meet at half past two o'clock, P. M.

Which was adopted.

When,

On motion by Mr. Mickle,

The Senate adjourned.

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2½ o'clock, P. M.

The Senate met.

On motion by Mr. Milliken,

The order of business was suspended;



When he presented a petition from the citizens of Lawrenceburgh, asking that the general Railroad law may be so guarded as to prevent the Lawrenceburgh and Upper Mississippi Railroad from being tapped by any other company between Greensburgh, in Decatur county, and Lawrenceburgh, in Dearborn county.

Which,

On his motion,

Was referred to a select committee composed of Senators Milliken, Secrest, Hester, Eddy, Scobey, and Hanna.

Mr. Eddy moved to reconsider the vote taken on the 12th instant on the passage of Senate bill No. 165 ;

Which was decided in the affirmative.

On motion,

The bill was referred to the select committee to which was referred the petition of the citizens of Lawrenceburgh, on the subject of tapping the Lawrenceburgh and Upper Mississippi Railroad.

The consideration of House bill No. 199, was resumed.

Mr. Slack moved to amend as follows:

After the word "county," in the 3d line of section 64, add the words "after the circuit court."

Which was adopted.

Mr. Slack moved the following amendment:

Amend section 67 as follows: After the words "common pleas," in the 2d line, add the words "or circuit court."

Which was adopted.

Mr. Slack moved to amend as follows:

After the words "common pleas" in the 2d line of the 68th section add the words "or circuit courts."

Which was adopted.

Mr. Slack moved to amend as follows:

After the words "common pleas" in the 2d line of the 70th section add the words "or circuit court ;"

And after the words "common pleas" in the 8th line of the 70th section add the words "or circuit court ;"

And at the conclusion of the 70th section, add the words "or circuit court."

Which was adopted.

Mr. Slack moved to amend as follows:

After the words "common pleas" in the 6th line of section 66, insert the words "or circuit court to which the appeal is taken."

Which was adopted.

Mr. Slack moved the following amendment:

Amend section 70 by striking out all after the word "appeals" in the 2d line.

Which was not adopted.

Mr. Defrees moved to amend as follows:

Strike out the words "six months," in the 79th section and insert the words "one hundred and twenty days."

Which was not adopted.

Mr. Scobey moved the following amendment:

After the word "thereby" in the 47th section, add "unless the use of such witness or witnesses be dispensed with by the admissions of the opposite party."

Which was adopted.

The question then being, shall the amendments be engrossed and the bill ordered to a third reading?

It was decided in the affirmative.

House bill No. 45. A bill to enforce the 13th article of the Constitution;

Was read a second time; when

Mr. Mickle moved to amend by striking out the word "conclusive" and inserting the words "prima facie" in the fifth section.

Which was adopted. Ayes 24; noes 14.

The ayes and noes were demanded by Senators Mickle and Secrest.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Davis, Delevan, Emerson, Hatfield, Henton, Hester, Hunt, James, Kinnard, Mickle, Miller, Newland, Niblack, Saffer, Scobey, Secrest, Slack, Sleeth, Todd, Walker, Washburn, and Winstandley. 24

*Those who voted in the negative were,*

Senators Berry, Brugh, Dawson, Defrees, Dougherty, Hanna, Hickman, Holloway, Kendall, Knowlton, Logan, Milliken, Odell, and Witherow. 14

The amendment was then ordered to be engrossed and the bill ordered to a third reading.

House bill, No. 207. A bill regulating the public works of the State.

Was read a second time, when,

Mr. Secrest moved to amend as follows:

Strike out of the 5th sections the words "and all bridges belonging to the State in Putnam county."

Which was adopted.

On motion by Mr. Niblack,

The bill was referred to a select committee; and,

Senators Niblack, Hester and Secrest, were appointed said committee.

House bill No. 238. A bill concerning interest on money;  
 Was read a second time, when,  
 Mr. Mickle moved to strike out section eleven;  
 Which was agreed to.

Mr. Winstandley moved so to amend as to allow interest at the rate of eight per cent., where that rate is agreed upon in writing by the parties.

Mr. Scobey moved to amend the amendment as follows:

"*Provided*, That in any bond, bill, note, or other written contract to pay money, ten per cent. may be contracted for and received."

Which motion did not prevail—ayes 8, noes 28.

The ayes and noes were demanded by Senators Slack and Logan.

*Those who voted in the affirmative were,*

Senators Holloway, Kendall, Kinnard, Knowlton, Milliken, Saffer, Scobey, and Witherow.

*Those who voted in the negative were,*

Senators Allen, Berry, Brugh, Dawson, Defrees, Delevan, Dougherty, Emerson, Hatfield, Henton, Hester, Hickman, Hicks, Hunt, James, Logan, Mickle, Miller, Newland, Niblack, Odell, Secrest, Slack, Sleeth, Todd, Walker, Washburn, and Winstandley.

A division of the question being called for,  
 And the President having decided the question divisible,  
 The first question, will the Senate strike out six per cent. as the rate of interest?

Was decided in the affirmative. Ayes 19; noes 17.

The ayes and noes were demanded by Senators Slack and Scobey.

*Those who voted in the affirmative were,*

Senators Dawson, Defrees, Hanna, Henton, Hickman, Holloway, Hunt, James, Kendall, Kinnard, Knowlton, Miller, Milliken, Niblack, Scobey, Sleeth, Washburn, Winstandley, and Witherow.

*Those who voted in the negative were,*

Senators Allen, Brugh, Delevan, Dougherty, Emerson, Hatfield, Hester, Hicks, Logan, Mickle, Newland, Odell, Saffer, Secrest, Slack, Todd, and Walker.

Mr. Niblack moved to reconsider the vote just taken.  
 Which motion prevailed.

Mr. Miller moved to amend the amendment as follows:

Strike out "eight" and insert "seven."

Which was not adopted—ayes 6, noes 29.

The ayes and noes were demanded by Senators Slack and Logan.

*Those who voted in the affirmative were,*

Senators Alexander, Hickman, Miller, Odell, Secrest, and Todd.

*Those who voted in the negative were,*

Senators Allen, Berry, Dawson, Delevan, Dougherty, Emerson, Hanna, Hatfield, Henton, Hester, Hicks, Holloway, James, Kendall, Kinnard, Knowlton, Logan, Mickle, Milliken, Newland, Niblack, Saffer, Scobey, Slack, Sleeth, Walker, Washburn, Winsteadley, and Witherow.

The question upon the adoption of the amendment striking out 6 per cent. and inserting 8 per cent. as the rate of interest,

Was decided in the negative. Ayes 13; noes 23.

The ayes and noes were demanded by Senators Slack and Miller.

*Those who voted in the affirmative were,*

Senators Dawson, Holloway, Hunt, Kendall, Kinnard, Knowlton, Milliken, Niblack, Saffer, Scobey, Washburn, Winsteadley, and Witherow.

*Those who voted in the negative were,*

Senators Alexander, Allen, Berry, Brugh, Delevan, Dougherty, Emerson, Hatfield, Henton, Hester, Hickman, Hicks, James, Logan, Mickle, Miller, Newland, Odell, Secrest, Slack, Sleeth, Todd, and Walker.

On motion by Mr. Henton,

The Senate adjourned.

SATURDAY MORNING, }  
May 15th, 1852. }

The Senate met.

The reading of the journal of yesterday was commenced, when,  
On motion by Mr. Milliken,  
The further reading of the journal was dispensed with.

#### PETITIONS PRESENTED.

By Mr. Milliken :

A petition from citizens of Manchester, on the subject of temperance ;

Which,

On his motion,

Was referred to the committee on that subject.

By Mr. Winstandley :

A petition from citizens of Floyd county, in relation to the State Prison ;

Which,

On his motion,

Was referred to the committee on the State Prison.

Mr. Eddy, from the committee on Corporations, submitted the following report :

MR. PRESIDENT :

The committee on Corporations, to whom was referred Senate bill No. 156, entitled "a bill to amend acts of incorporation for the construction of plank and turnpike roads," have had the same under consideration, and direct me to report it back with one amendment, and upon its adoption to recommend its passage.

Amend section 4th by striking out after the word "materials," in the 17th line, all that follows to the words "and shall report," in the 19th line of said section.

Which was concurred in, and the bill ordered to be engrossed.

#### ORDERS OF THE DAY.

The consideration of House bill No. 238 was resumed, when  
Mr. Henton moved to strike out all of section 10, except that portion which refers to canal lands ;

Which was decided in the negative. Ayes 10; noes 30.

The ayes and noes were demanded by Senators Eddy and Berry.

*Those who voted in the affirmative were,*

Senators Berry, Dawson, Eddy, Henton, Holloway, James, Kendall, Longshore, Sleeth, and Turman.

*Those who voted in the negative were,*

Senators Alexander, Allen, Cravens, Defrees, Delevan, Dougherty, Emerson, Hanna, Hatfield, Hester, Hickman, Hicks, Hunt, Kinnard, Knowlton, Logan, Mickle, Miller, Milliken, Newland, Niblack, Odell, Saffer, Secrest, Slack, Todd, Walker, Washburn, Winsteadley, and Witherow.

Mr. Hanna moved to reconsider the vote striking out section 11. Which was decided in the negative. Ayes 10, noes 27.

The ayes and noes were demanded by Senators Hanna and Milliken.

*Those who voted in the affirmative were,*

Senators Dawson, Emerson, Hanna, Hunt, Kinnard, Milliken, Saffer, Scobey, Washburn, and Winsteadley.

*Those who voted in the negative were,*

Senators Alexander, Allen, Cravens, Davis, Defrees, Delevan, Dougherty, Eddy, Hatfield, Henton, Hester, Hickman, Hicks, Holloway, Logan, Longshore, Mickle, Miller, Newland, Niblack, Odell, Secrest, Slack, Sleeth, Todd, Walker, and Witherow.

Mr. Hanna moved to reconsider the vote refusing to strike out the 10th section;

Which was decided in the negative—ayes 10, noes 27.

The ayes and noes were demanded by Senators Milliken and Hanna.

*Those who voted in the affirmative were,*

Senators Dawson, Emerson, Hanna, Hunt, Kinnard, Milliken, Saffer, Scobey, Washburn, and Winsteadley.

*Those who voted in the negative were,*

Senator Alexander, Allen, Cravens, Davis, Defrees, Delevan, Dougherty, Eddy, Hatfield, Henton, Hester, Hickman, Hicks, Holloway, Logan, Longshore, Mickle, Miller, Newland, Niblack, Odell, Secrest, Slack, Sleeth, Todd, Walker, and Witherow.

The amendment was ordered to be engrossed, and the bill ordered to a third reading.

#### HOUSE BILLS ON THEIR THIRD READING.

House bill, No. 45. A bill to enforce the 13th article of the constitution;

Was read a third time; when,

Mr. Eddy moved to refer the bill to a select committee.

Mr. Berry moved the previous question;

Which was not seconded.

M. Berry moved to lay the bill and pending amendment on the table;

Which did not prevail.

The question then being on recommitting,

Mr. Hanna offered the following instructions:

Insert a proviso making the certificate contemplated in the 50th section conclusive evidence of the facts therein stated, in all prosecutions against the employers of negroes and mulattoes, unless it is shown that said employer had notice; that the same shall be prima facie evidence in all other cases.

A division of the question being called for, and the President having decided it divisible,

The first question was on recommitting;

Which was decided in the affirmative. Ayes 21; noes 18.

The ayes and noes were demanded by Senators Dawson and Mickle.

*Those who voted in the affirmative were,*

Senators Dawson, Defrees, Delevan, Dougherty, Eddy, Hanna, Hatfield, Hester, Hickman, Holloway, Kendall, Kinnard, Knowlton, Logan, Milliken, Odell, Saffer, Turman, Washburn, Winstandle, and Witherow.

*Those who voted in the negative were,*

Senators Alexander, Allen, Berry, Cravens, Emerson, Henton, Hicks, Hunt, James, Mickle, Miller, Newland, Niblack, Scobey, Secrest, Slack, Todd, and Walker.

The question being on the instructions proposed by Mr. Hanna, Mr. Secrest moved that they be laid on the table; Which was decided in the negative. Ayes 16, noes 22. The ayes and noes were demanded by Senators Hanna and Eddy.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Berry, Cravens, Emerson, Henton, Hicks, Hunt, Miller, Newland, Niblack, Secrest, Slack, Todd, Walker, and Winstandley.

*Those who voted in the negative were,*

Senators Dawson, Defrees, Delevan, Dougherty, Eddy, Hanna, Hatfield, Hester, Hickman, Holloway, James, Kendall, Kinnard, Knowlton, Logan, Mickle, Milliken, Odell, Saffer, Scobey, Turman, and Witherow.

The question being on the adoption of the instructions, It was decided in the affirmative—ayes 19, noes 17. The ayes and noes were demanded by Senators Defrees and Eddy.

*Those who voted in the affirmative were,*

Senators Defrees, Delevan, Dougherty, Eddy, Hanna, Hatfield, Hester, Hickman, Holloway, Kendall, Kinnard, Knowlton, Milliken, Odell, Saffer, Scobey, Turman, Washburn, and Witherow.

*Those who voted in the negative were,*

Senators Alexander, Allen, Cravens, Emerson, Henton, Hunt, James, Mickle, Miller, Newland, Niblack, Secrest, Slack, Sleeth, Todd, Walker, and Winstandley.

Mr. Eddy moved further to instruct the committee as follows:

Strike out the 2d section, and provide that it be the duty of the assessors in the several counties to take an enumeration of all negroes and mulattoes, specifying the time of their coming into the State, and file a list of the same with the clerk of the proper county.

Mr. Miller moved to lay the instructions on the table;

Which was decided in the affirmative—ayes 22, noes 15.

The ayes and noes were demanded by Senators Miller and Eddy.



*Those who voted in the affirmative were,*

Senators Alexander, Allen, Cravens, Davis, Delevan, Emerson, Hanna, Henton, Hunt, James, Mickle, Miller, Newland, Niblack, Secrest, Slack, Sleeth, Todd, Turman, Walker, Washburn, and Winstandley.

*Those who voted in the negative were,*

Senators Defrees, Dougherty, Eddy, Hatfield, Hester, Hickman, Holloway, Kendall, Kinnard, Knowlton, Milliken, Odell, Saffer, Scobey, and Witherow.

Mr. Slack moved further to instruct to  
Insert an additional section in the bill—

That the negro or mulatto coming into this State contrary to the provisions of the constitution, shall be liable to the same penalty as that imposed upon the resident for giving the non-resident negro or mulatto employment, or otherwise encouraging him to remain in the State.

Which was adopted.

The President appointed Senators Eddy, Hanna and Logan, said select committee.

House bill No. 200. A bill prescribing the powers and duties of justices of the peace in State prosecutions;

Was read a third time; when,

Mr. Hester moved that it be referred to a select committee.

Which motion prevailed.

The President appointed Senators Hester, Secrest and Emerson, said select committee.

On motion by Mr. Turman,

The Senate adjourned.

2 o'clock, P. M.

The Senate met.

House bill No. 199. A bill providing for the election and qualification of justices of the peace, and defining their jurisdiction, powers and duties in civil cases;

Was read a third time, when,

Mr. Scobey moved to amend as follows:

Section 12, in the 7th line, strike out after the word "court," the words "of common pleas," and insert before the word "court," in said line, the word "circuit."

Which was unanimously adopted.

Mr. Scobey moved to amend section 65 by adding at the end of the section the words, "or court of common pleas."

Which was unanimously agreed to.

On motion by Mr. Hester,

The bill and amendments were laid on the table.

House bill No. 203. A bill regulating general elections, and prescribing the duties of officers in relation thereto;

Was taken up; and,

On motion by Mr. Sleeth,

Laid on the table.

Mr. Secrest asked leave of absence for Mr. Odell;

Which was granted.

House bill No. 240. A bill prescribing the duties of Secretary of State;

Was read a second time and ordered to a third reading.

Message from the House of Representatives, by Mr. Sites, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill of the Senate:

No. 152. "A bill prescribing certain misdemeanors, punishable only by a justice of the peace,"

With two amendments;

In which the concurrence of the Senate is respectfully requested.

Mr. Hester moved that the Senate refuse to concur in the first amendment of the House;

Which motion prevailed.

Mr. Hester moved that the Senate concur in the second amendment of the House;

Which was agreed to.

Message from the House of Representatives, by Mr. Sites, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill of the Senate:

No. 147. "A bill prescribing the manner of empanneling petit jurors, the number and compensation thereof,"  
 With an engrossed amendment;  
 In which the concurrence of the Senate is respectfully requested.  
 The amendment was concurred in.

Message from the House of Representatives, by Mr. Sites, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof:

No. 202. An act prescribing the number, and defining the powers and duties of constables.

No. 224. An act to authorize and limit allowances by courts and boards, and drafts upon county treasurers.

No. 225. An act concerning fugitives from justice.

No. 256. An act to provide for township elections.

No. 257. A bill in relation to county auditors.

In which the concurrence of the Senate is respectfully requested.

The accompanying bills were each read a first time and passed to a second reading.

Also, the following message was received from the House of Representatives, by Mr. Sites, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bills thereof:

No. 243. A bill to regulate the retailing of intoxicating liquors.

No. 260. A bill providing for the appointment of notaries public, and defining their powers and duties.

No. 262. An act defining who are persons of unsound mind, authorizing the appointment of guardians for such persons, defining the powers and duties of such guardians, declaring void the contracts of persons of unsound mind, and providing for their restraint when necessary.

No. 264. An act prescribing duties of Governor.

No. 249. An act prescribing the powers and duties of Auditor of State.

No. 265. An act prescribing the powers and duties of coroners.

In which the concurrence of the Senate is respectfully requested.

The accompanying bills were each read a first time and passed to a second reading.

Also the following message was received from the House of Representatives, by Mr. Sites, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the Speaker has signed the following enrolled bill thereof:

Nos. 204, 236, 241, 244, 245, 253 and 255; also, joint resolution No. 28, which I am directed to bring to the Senate for the signature of the President thereof.

On motion by Mr. Slack,  
The Senate adjourned.

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MONDAY MORNING, }  
May 17, 1852. }

The Senate met.

The journal of Saturday was read.

On motion by Mr. Milliken,  
Mr. Winstandley was called to the chair.

#### REPORTS SUBMITTED.

By Mr. Turman, from a select committee:

MR. PRESIDENT:

The select committee instructed to report a bill to provide for the re-location of county seats, have directed me to submit the following bill, and recommend its passage:

The accompanying bill,

No. 171. A bill to authorize the change and re-location of county seats, and to point out the rules and restrictions governing such re-location,

Was read a first time and passed to a second reading.

By Mr. Eddy, from the committee on Revision :

MR. PRESIDENT :

The committee on Revision, to whom was referred Senate bill No. 75, in relation to high schools, academies, &c., have considered the same, and directed me to report it back and recommend that it be laid upon the table; the provisions of the same having been incorporated in a general bill.

Which was concurred in.

By Mr. Eddy, from the same committee:

MR. PRESIDENT :

The joint committee on Revision, to whom was referred House bill No. 81, in relation to conveyances of lands to trustees, and donations for the use of schools, &c., have considered the same, and recommend that it be laid on the table; the same subject having been incorporated in another bill which has passed the Senate.

Which was concurred in.

By Mr. Eddy, from the same committee:

MR. PRESIDENT :

The joint committee on Revision, to whom was referred House bill No. 54, regulating the forms of deeds and mortgages, &c., have directed me to report it back to the Senate, and recommend that it be laid on the table, its provisions having been incorporated in a general law.

Which was concurred in.

By Mr. Eddy, from the same committee:

MR. PRESIDENT :

The joint committee on Revision, to whom was referred House bill No. 76, entitled a bill to provide for the election of President and Vice President, have considered the same, and directed me to report it back, and recommend that it be laid on the table; a bill having passed the Senate upon that subject;

Which was concurred in.

## ORDERS OF THE DAY.

*Bills on their Third Reading.*

House bill, No 238. A bill concerning interest on money;

Was read the third time; and,

The question being, shall the bill pass?

It was decided in the affirmative. Ayes 28; noes 12.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Brugh, Cravens, Davis, Defrees, Dougherty, Emerson, Hatfield, Henton, Hester, Hickman, Hicks, James, Logan, Longshore, Mickle, Miller, Newland, Niblack, Reid, Saffer, Secrest, Slack, Sleeth, Todd, Walker, and Witherow.

*Those who voted in the negative were,*

Senators Berry, Eddy, Holloway, Hunt, Kendall, Kinnard, Knowlton, Milliken, Scobey, Turman, Washburn, and Winstandley.

House bill, No. 240. A bill prescribing the duties of Secretary of State.

Was read a third time; and,

The question being, shall the bill pass;

It was decided in the affirmative. Ayes 39; noes 0.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Berry, Brugh, Cravens, Davis, Defrees, Dougherty, Eddy, Emerson, Hatfield, Henton, Hester, Hickman, Hicks, Holloway, Hunt, James, Kinnard, Knowlton, Logan, Longshore, Mickle, Miller, Milliken, Newland, Niblack, Reid, Saffer, Scobey, Secrest, Slack, Sleeth, Todd, Turman, Walker, Washburn, Winstandley, and Witherow.

Senate bill, No. 156. A bill to amend acts of incorporation for the construction of plank and turnpike roads;

Was read a third time and passed—ayes 36, noes 0.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Berry, Cravens, Defrees, Dougherty, Eddy, Emerson, Hatfield, Henton, Hester, Hickman, Hicks, Holloway, Hunt, James, Kinnard, Knowlton, Logan, Mickle, Miller, Mil-

liken, Newland, Niblack, Reid, Saffer, Scobey, Secrest, Slack, Sleeth, Todd, Turman, Walker, Washburn, Winstandley, and Witherow.

Mr. Hester moved to take from the table.

House bill, No. 199. A bill providing for the election and qualification of justices of the peace and defining their jurisdiction, powers, and duties in civil cases;

Which was agreed to.

The bill having been read a third time,

The question was, shall the bill pass?

Which was decided in the affirmative. Ayes 34; noes 4.

*Those who voted in the affirmative were,*

Senators Allen, Brugh, Cravens, Eddy, Emerson, Hatfield, Henton, Hester, Hickman, Hicks, Holloway, Hunt, James, Kinnard, Knowlton, Logan, Mickle, Miller, Milliken, Newland, Niblack, Odell, Reid, Saffer, Scobey, Secrest, Slack, Sleeth, Todd, Turman, Walker, Washburn, Winstandley, and Witherow.

*Those who voted in the negative were,*

Senators Alexander, Berry, Defrees, and Dougherty.

On motion by Mr. Hester,

The order of business was suspended.

The following message was received from the House of Representatives, by Mr. Sites, their clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that the House has passed the following engrossed bill of the Senate:

No. 119. A bill defining felonies and prescribing punishment therefor;

With engrossed amendments.

In which the concurrence of the Senate is respectfully requested.

On motion by Mr. Hester,

The first engrossed amendment of the House was concurred in.

Mr. Hester moved to reconsider the vote just taken;

Which was agreed to.

When,

On motion by Mr. Hester,

The bill and engrossed amendments of the House were referred to the committee on Revision.

## BILLS ON THEIR SECOND READING.

Senate bill No. 169. A bill to revise, simplify and abridge the rules, practice, pleadings, and forms, in civil cases, in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity ;

Being on its second reading,

Mr. Scobey moved the following amendment:

Add the following to section 60:

“Except at his own costs: *provided*, that this section shall not apply to a defendant having constructive notice only of such suit.”

Which was adopted.

Mr. Eddy moved to amend as follows:

Strike out sections 70, 71 and 72, and insert the following:

SEC. —. The plaintiff may join as many causes of action in his complaint as he sees proper, setting out each cause in a distinct paragraph, and numbering them. And the defendant shall answer distinctly, in separate paragraphs, each cause of action, clearly pointing out in each paragraph the particular cause answered.

SEC. —. When the plaintiff's complaint contains two or more causes of action growing out of separate and different matters, the defendant shall, on his first appearance after filing his answer, have, on motion, the right to separate trials on each or any of the causes that may be founded on the several and distinct transactions set forth in the complaint; but before the court shall grant such separate trials, the defendant shall make and file his affidavit, showing what causes are founded on separate and distinct transactions, and shall also set forth therein his reasons why separate trials are demanded, and which affidavit shall also state that the affiant is informed, and verily believes, that manifest injustice will be done the defendant, unless separate trials shall be granted. The affiant shall also set forth that the application to have separate trials, is not made merely for the purpose of delaying the trial of any one of the causes of complaint, but for the furtherance of justice. Thereupon the court, if satisfied of the truth of the facts in the affidavit, shall make an order granting separate trials on such different causes of complaint; and each cause of complaint thus severed, shall be docketed as a separate action, and such subsequent proceedings thereon shall be had in each cause, as though the several causes had been commenced originally as so many different actions.

SEC. —. When the plaintiff may have brought several actions against the same defendant or defendants, and the defendants offer to confess, or the plaintiff can otherwise obtain judgment thereon, at the same term of the court, the defendants shall have the right to move the court to consolidate the several judgments into one entry: *Provided*, The defendants shall, at the same time of making such



motion, release all errors whatever, and waive all right of moving in arrest of judgment, and all right of appeal or error in a superior court. And thereupon the court shall, in its discretion, overrule or sustain the motion; and if sustained, order all of the judgments to be rendered in one entry on the order book; but nothing in this section shall in any manner operate to delay the plaintiff in obtaining judgment on any one or more of his causes of action.

Mr. Dougherty moved to lay the amendment on the table;  
Which motion prevailed.

Mr. Niblack moved to

Amend section 77 by striking out the word "attorney," in the 4th line, and inserting in lieu thereof the word "party."

Mr. Hester moved to amend the amendment as follows:

Amend section 77 by striking out all after the word "aggrieved," in the 3d line.

Mr. Niblack moved to lay the amendment to the amendment on the table;

Which motion prevailed.

The question being on the adoption of the amendment,

It was decided in the negative. Ayes 10; noes 24.

The ayes and noes were demanded by Senators Niblack and Defrees.

*Those who voted in the affirmative were,*

Senators Cravens, Emerson, Henton, James, Niblack, Scobey, Secrest, Slack, Winstandley, and Witherow.

*Those who voted in the negative were,*

Senators Allen, Defrees, Dougherty, Eddy, Hatfield, Hester, Hickman, Hicks, Holloway, Hunt, Kendall, Kinnard, Knowlton, Logan, Miller, Milliken, Newland, Odell, Reid, Saffer, Sleeth, Todd, Walker, and Washburn.

Mr. Secrest moved to

Strike out of the 77th section all after the word "court" in the 5th line thereof.

Which motion prevailed.

Mr. Defrees moved to reconsider the vote laying the motion striking out all after the word "aggrieved" in the 3d line, on the table;

Which motion prevailed.

The amendment was then adopted.

Mr. Turman, from the joint committee on Enrolled Bills, submitted the following report:

MR. PRESIDENT:

The joint committee on Enrolled Bills find Senate bill No. 145 and Senate joint resolution No. 144, correctly enrolled.

Mr. Niblack moved to adjourn;  
Which was not agreed to.

On motion by Mr. Emerson,  
The Senate adjourned.

2 o'clock, P. M.

The Senate met.

On motion by Mr. Emerson,  
Mr. Winstandley was called to the chair.  
The consideration of Senate bill No. 169 was resumed;  
Mr. Emerson moved to strike out section 229;  
Which was agreed to.

Mr. Secrest moved to  
Strike out of section 243, after the word "incompetent" in the  
2d line the words "but the want of such religious belief may be  
shown upon the trial."

Which motion prevailed.

Mr. Hunt moved to strike out section 244;  
Which was agreed to.

Mr. Emerson moved to strike out section 270;  
Which was agreed to.

Mr. Emerson moved to amend section 297, by striking out the  
words "the court shall determine" and inserting the words "shall be  
twelve."

Which prevailed.

Mr. Emerson moved to strike out section 303;  
Which was agreed to.

Mr. Emerson moved to strike out the word "sixty," in the 305th  
section, and insert the word "thirty."

Which motion prevailed.

Mr. Eddy moved to  
Add, as a distinct period, to the 5th clause of section 314, the fol-  
lowing:

"And if law inapplicable to the case, matter of fact out of the  
case, evidence offered and excluded, or rejected after being heard,

fallacies or mere plausibilities be introduced in argument to a jury, it shall be the duty of the court to check the same at the moment of its introduction, or to point out its irrelevancy, and the impropriety of giving it any consideration, in plain and pointed instructions, such as will be readily understood."

Add as a distinct period at the end of the 6th clause of the 314th section—

"No instruction shall be given in the form of a mere abstraction; but its application to the case and to the proper branch thereof shall be plainly pointed out to the jury."

A division of the question was called for;

The President decided the question divisible.

The first question was, will the Senate adopt the first amendment?

Which was decided in the negative.

The question then being on the adoption of the 2d amendment,

It was decided in the negative.

Mr. Slack moved to amend as follows:

Before the word "fail," in the 7th line of the 377th section, strike out the word "defendant," and insert the word "plaintiff," in lieu thereof.

Which was adopted.

Mr. Scobey moved to amend section 403 by striking out the word "freehold."

Which was not adopted.

Mr. Emerson moved a call of the Senate,

Which was ordered.

The following Senators were absent:

Senators Alexander, Allen, Hunt, Kendall, Longshore, Miller, Odell, Slack, Sleeth, and Turman.

On motion by Mr. Saffer,

Mr. Longshore was excused.

Mr. Hatfield moved to excuse Mr. Delevan;

Which motion prevailed.

Mr. Berry moved that Mr. Newland be excused;

Which was agreed to.

Mr. Hester moved to suspend the call;

Which motion did not prevail.

On motion by Mr. Holloway,

The call was suspended.

Mr. Defrees moved the following amendment:

Strike out "two-thirds," and insert "one-half," in the 428th section.

Mr. Logan moved to amend the amendment as follows:

Amend so as to read "not less than one-half when the property is given up by the defendant, and two-thirds when taken by the officers."

A division of the question being called for, and  
 The President having decided the question divisible,  
 The first question, will the Senate strike out?  
 Was decided in the negative—ayes 13, noes 22.

The ayes and noes were demanded by Senators Emerson and Hester.

*Those who voted in the affirmative were,*

Senators Brugh, Defrees, Eddy, James, Logan, Marshall, Mickle, Milliken, Niblack, Reid, Scobey, Teegarden, and Witherow.

*Those who voted in the negative were,*

Senators Allen, Berry, Cravens, Davis, Dougherty, Emerson, Hatfield, Henton, Hester, Hickman, Hicks, Holloway, Kinnard, Knowlton, Odell, Saffer, Secrest, Sleeth, Todd, Walker, Washburn, and Winsteadley.

Mr. Mickle moved to

Add to section 428 the following:

And no waiver of such appraisalment shall be lawful;

Which was decided in the negative. Ayes 10; noes 24.

The ayes and noes were demanded by Senators Mickle and Winsteadley.

*Those who voted in the affirmative were,*

Senators Berry, Brugh, Eddy, Hatfield, Marshall, Mickle, Niblack, Saffer, Scobey, and Witherow.

*Those who voted in the negative were,*

Senators Allen, Cravens, Davis, Defrees, Dougherty, Emerson, Henton, Hester, Hickman, Hicks, Holloway, James, Kinnard, Knowlton, Milliken, Odell, Reid, Secrest, Sleeth, Teegarden, Todd, Walker, Washburn, and Winsteadley.

Mr. Niblack moved to amend by adding after the word "incumbrances" in the 2nd line of section 428, the words "including any ultimate claim of dower."

Which was not adopted.

Mr. Hester moved to amend by striking out the word "thereof" in the second line of section 429, and inserting in lieu thereof the words "of such property."

Which was agreed to.

Mr. Saffer moved to

Amend section 448 so as to cause the sale to be on the premises;  
Which was not agreed to.

Mr. Saffer moved to strike out section 457;

Which motion did not prevail.

Mr. Niblack moved to adjourn;

Which motion did not prevail.

Message from the House of Representatives by Mr. Sites, their  
Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the Speaker has signed the following enrolled bills of the Senate: Joint resolution No. 144 and bill No. 145, which I am directed to bring to the Senate for the signature of the President thereof.

On motion by Mr. Emerson,  
The Senate adjourned.

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TUESDAY MORNING, }  
May 18, 1852. }

The Senate met.

On motion by Mr. Mickle,

Mr. Winstandley was called to the chair.

The journal of yesterday was read.

On motion by Mr. Allen,

The order of business was suspended.

Mr. Allen moved to take from the table Senate bill

No. 168. A bill authorizing the sinking of a cistern in the State  
House Square;

Which was agreed to.

Mr. Allen moved to amend by striking out the word "thousand," and inserting in lieu thereof the word "hundred."

Which was unanimously agreed to.

The question being shall the bill pass?

It failed for want of a constitutional majority—ayes 25, noes 13.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Athon, Brugh, Cravens, Defrees, Eddy, Hicks, Hunt, Kinnard, Knowlton, Longshore, Mickle, Miller, Newland, Niblack, Reid, Saffer, Secrest, Slack, Todd, Walker, Washburn, Winstandley, and Witherow.

*Those who voted in the negative were,*

Senators Berry, Emerson, Hatfield, Henton, Hickman, Holloway, James, Kendall, Logan, Odell, Scobey, Teegarden, and Turman.

Mr. Defrees moved to take from the table House bill No. 139, a bill providing for a general system of banking;

Which was agreed to.

Mr. Secrest moved a call of the Senate;

Which was ordered.

The following Senators were absent:

Senators Delevan, Hanna, and Sleeth.

On motion by Mr. Secrest,

Mr. Dougherty was excused.

On motion by Mr. Alexander,

Mr. Dawson was excused.

On motion by Mr. Teegarden,

The absentees were sent for.

Mr. Cravens moved to suspend the further call.

Which was not agreed to.

Mr. Cravens moved to suspend the further call.

Which motion prevailed.

The question being, shall the bill pass?

It was decided in the affirmative—ayes 27, noes 18.

*Those who voted in the affirmative were,*

Senators Athon, Brugh, Davis, Defrees, Delevan, Eddy, Henton, Hickman, Hicks, Hunt, James, Kendall, Logan, Longshore,

Marshall, Milliken, Odell, Reid, Saffer, Scobey, Secrest, Teegarden, Todd, Turman, Walker, Washburn, and Winsteadley.

*Those who voted in the negative were,*

Senators Alexander, Allen, Berry, Cravens, Emerson, Hatfield, Hester, Holloway, Kinnard, Knowlton, Mickle, Miller, Newland, Niblack, Slack, Sleeth, Spann, and Witherow.

Mr. Cravens moved to take from the table House bill No. 203, a bill regulating general elections, and prescribing the duties of officers in relation thereto;

Which was decided in the affirmative.

The bill was read a third time; when

Mr. Hester moved to refer the bill to a select committee;

Which was agreed to.

Mr. Reid moved to instruct the committee to strike out the words "fifty-two," in the section relating to the time of holding the congressional election, and insert "fifty-three."

Which was decided in the negative. Ayes 14; noes 28.

The ayes and noes were demanded by Senators Reid and Mickle.

*Those who voted in the affirmative were,*

Senators Berry, Davis, Henton, Hester, Hickman, Hunt, Logan, Newland, Reid, Saffer, Secrest, Todd, Turman, and Walker.

*Those who voted in the negative were,*

Senators Alexander, Allen, Athon, Brugh, Cravens, Defrees, Eddy, Emerson, Hatfield, Hicks, Holloway, James, Kendall, Kinnard, Knowlton, Longshore, Marshall, Mickle, Miller, Milliken, Niblack, Odell, Scobey, Slack, Teegarden, Washburn, Winsteadley, and Witherow.

Senators Hester, Cravens, and Holloway were appointed said select committee.

Mr. Milliken, from a select committee, submitted the following report:

MR. PRESIDENT:

The select committee to whom was referred bill of the Senate No. 165, and the memorial of the citizens of Lawrenceburgh, have had the same under consideration, and directed me to report the bill

back to the Senate with one amendment, and upon the adoption thereof, recommend its passage.

Strike out the bill from its enacting clause and insert the following:

"That nothing in said act contained shall be construed to authorize any railroad company that shall be organized under its provisions, to cross or intersect any railroad now in course of construction within forty miles of its terminus, when such terminus is in a city in this State situate on a navigable river, and within two miles or less of the boundary line of two adjoining States, except within the corporate limits of such city.

The amendment of the committee was concurred in ;

And the question being, shall the bill pass?

It failed for want of a constitutional majority. Ayes 24, noes 15.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Athon, Brugh, Cravens, Defrees, Eddy, Henton, Hester, Hicks, James, Logan, Longshore, Milliken, Newland, Niblack, Odell, Saffer, Scobey, Slack, Todd, Washburn, Winstandle, and Witherow.

*Those who voted in the negative were,*

Senators Berry, Emerson, Hatfield, Hickman, Holloway, Hunt, Kendall, Knowlton, Mickle, Miller, Reid, Secrest, Teegarden, Turman, and Walker.

Mr. Hester, from a select committee, submitted the following report:

**MR. PRESIDENT:**

The select committee to whom was referred Senate bill No. 119, and House amendment thereto, have had the same under consideration, and have directed me to recommend that the Senate refuse to concur in the 2d, 3d, 5th and 11th amendments; that they concur in the 6th, 7th, 8th, 9th and 10th amendments; and the committee have instructed me to report the accompanying amendments to the 1st and 4th amendments of the House, and they ask to be discharged from the further consideration thereof.

Concur in the first amendment of the House with the following amendment inserted after the word "executed," in the 4th line:

And at such execution, the officer executing such sentence shall summon as witnesses thereof, a judge of a court of record, the clerk of the circuit court of the county, and any five other persons he may designate; but in the event such judge and clerk, or either of them,



fail to attend such execution, such officer shall designate two other persons in their stead,—and after the execution of such sentence, such witnesses shall give to such sheriff a certificate thereof.”

Amend the fourth amendment of the House as follows. Strike out House amendment and insert the following :

If any person shall entice or take away any female of previous chaste character, from wherever she may be, to a house of ill fame, or elsewhere, for the purpose of prostitution, and every person who shall advise or assist in such abduction, shall be imprisoned in the State prison, not less than two, nor more than five years, or may be imprisoned in the county jail not exceeding one year, and be fined not exceeding five hundred dollars; but in such case the testimony of such female shall not be sufficient, unless supported by other evidence corroborating to the same extent as is required in cases of perjury, as to the principal witness.

The amendments of the committee were concurred in.

Mr. Athon presented a petition from sundry citizens of Clark county, in relation to the losses sustained by the lessee of the State prison, and asking relief for Samuel H. Patterson, Esq.;

Which,

On motion by Mr. Athon,

Was referred to the committee on the State prison.

Mr. Secrest presented the petition of citizens of Greencastle, Bainbridge and Stilesville, praying for the suppression of the traffic in spirituous liquors;

Which,

On his motion,

Was referred to the committee on Temperance.

Mr. Todd presented the remonstrance of citizens of Indianapolis and vicinity, against the passage of the Maine law, or any other stringent temperance law similar thereto;

Which,

On his motion,

Was referred to the committee on Temperance.

The consideration of Senate bill No. 169 was resumed; when

Mr. Niblack moved to amend by adding after section 436 the following section:

SEC. —. If any person shall agree, in writing, to pay any sum of money, without any relief whatever from valuation or appraisement laws, judgment shall be rendered, and execution had accordingly in any suit to enforce the payment thereof, but in such case stay of execution shall be allowed as in other cases.

Mr. Slack moved to amend the amendment as follows:

Strike out the words “as in other cases” and insert “six months.”

Which was decided in the negative. Ayes 7, noes 28.

The ayes and noes were demanded by Senators Slack and Mickle.

*Those who voted in the affirmative were,*

Senators Allen, Brugh, Hester, Knowlton, Longshore, Mickle, and Slack.

*Those who voted in the negative were,*

Senators Alexander, Berry, Cravens, Defrees, Emerson, Hatfield, Henton, Hickman, Hicks, Holloway, James, Kinnard, Logan, Miller, Milliken, Newland, Niblack, Odell, Reid, Saffer, Scobey, Secrest, Teegarden, Todd, Walker, Washburn, Winstandley, and Witherow.

The question then being, will the Senate adopt the amendment?

It was decided in the affirmative. Ayes 19; noes 18.

The ayes and noes were demanded by Senators Slack and Witherow.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Davis, Defrees, Eddy, Emerson, Henton, Hester, Hickman, Holloway, James, Knowlton, Longshore, Marshall, Milliken, Niblack, Scobey, Teegarden, and Washburn.

*Those who voted in the negative were,*

Senators Athon, Berry, Cravens, Hatfield, Hunt, Kinnard, Logan, Mickle, Miller, Newland, Odell, Reid, Saffer, Secrest, Slack, Walker, Winstandley, and Witherow.

Mr. Logan moved to reconsider the vote refusing to adopt the amendment to the amendment, striking out in section 436 the words "as in other cases," and inserting the words "six months."

Which was decided in the negative. Ayes 13; noes 24.

The ayes and noes were demanded by Senators Slack and Logan.

*Those who voted in the affirmative were,*

Senators Berry, Hunt, Kinnard, Logan, Mickle, Miller, Newland, Reid, Saffer, Secrest, Slack, Washburn, and Witherow.

*Those who voted in the negative were,*

Senators Alexander, Allen, Athon, Brugh, Cravens, Defrees, Eddy, Emerson, Hatfield, Henton, Hester, Hickman, Holloway, James, Knowlton, Longshore, Marshall, Milliken, Niblack, Odell, Scobey, Todd, Walker, and Winstandley.

Mr. Secrest moved to

Add the following proviso at the close of section 436:

*Provided, however,* That no property shall be sold under such execution, for less than one-half its cash value.

Mr. Niblack moved to lay the amendment on the table;

Which was decided in the affirmative. Ayes 22; noes 14.

The ayes and noes were demanded by Senators Slack and Logan.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Athon, Brugh, Cravens, Davis, Defrees, Emerson, Hatfield, Henton, Hester, Holloway, James, Longshore, Marshall, Milliken, Niblack, Scobey, Teegarden, Walker, Washburn, and Winstandley.

*Those who voted in the negative were,*

Senators Berry, Hickman, Hunt, Kinnard Logan, Mickle, Miller, Newland, Reid, Saffer, Secrest, Slack, Todd, and Witherow.

Mr. Secrest moved to reconsider the vote refusing to strike out "two-thirds," and insert "one-half," in section 448, taken on the 17th instant;

Which was decided in the negative. Ayes 13; noes 22.

The ayes and noes were demanded by Senators Emerson and Alexander.

*Those who voted in the affirmative were,*

Senators Athon, Brugh, Henton, Hunt, Kinnard, Knowlton, Logan, Mickle, Newland, Reid, Saffer, Secrest, and Witherow.

*Those who voted in the negative were,*

Senators Alexander, Allen, Cravens, Defrees, Emerson, Hatfield, Hester, Hickman, Holloway, James, Longshore, Marshall, Miller, Milliken, Niblack, Scobey, Slack, Teegarden, Todd, Walker, Washburn, and Winstandley.

Mr. Logan moved to

Add the following proviso at the end of section 436:

*Provided,* That in no case shall any property be sold on execution, for less than one-third of its appraised cash value.

Mr. Hester moved to lay the amendment on the table;

Which was decided in the affirmative. Ayes 19; noes 16.

The ayes and noes were demanded by Senators Secrest and Hester.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Athon, Brugh, Cravens, Defrees, Emerson, Hatfield, Henton, Hester, Holloway, James, Milliken, Niblack, Scobey, Teegarden, Walker, Washburn, and Winstandley.

*Those who voted in the negative were,*

Senators Berry, Hickman, Hunt, Kinnard, Knowlton, Logan, Longshore, Mickel, Miller, Newland, Reid, Saffer, Secrest, Slack, Todd, and Witherow.

On motion by Mr. Scobey,  
The Senate adjourned.

2 o'clock, P. M.

The Senate met.

On motion by Mr. Reid,

Mr. Mickel was called to the chair.

The consideration of Senate bill No. 169, was resumed; when, Mr. Hicks offered the following amendment:

Strike out section 673;

Which was not adopted.

Mr. Hester moved to amend as follows:

Insert after the word "imprisoned," in the 13th line of section 799, the following: "or of unsound mind."

Which was agreed to.

Mr. Reid moved to amend section 421 as follows:

Insert after the words "levied upon," the words "when given up by the execution defendant."

Which was agreed to.

Mr. Longshore moved to reconsider the vote taken on the amendment proposed by Mr. Niblack.

Mr. Emerson moved a call of the Senate;

Which was ordered.

On motion by Mr. Cravens,

Mr. Athon was excused.

Mr. Saffer moved that Mr. Milliken be excused;

Which was agreed to.

On motion by Mr. Saffer,

The call was suspended.

The following Senators were absent :

Senators Alexander, Davis, Dawson, Hanna, Marshall, Sleeth, and Turman.

The question then being on the reconsideration of the vote on the amendment offered by Mr. Niblack,

It was decided in the negative—ayes 15, noes 23.

The ayes and noes were demanded by Senators Reid and Berry.

*Those who voted in the affirmative were,*

Senators Berry, Delevan, Hunt, Kendall, Logan, Longshore, Mickle, Miller, Newland, Reid, Saffer, Secrest, Slack, Todd, and With-  
erow.

*Those who voted in the negative were,*

Senators Allen, Brugh, Cravens, Defrees, Eddy, Emerson, Hatfield, Henton, Hester, Hickman, Hicks, Holloway, James, Kinnard, Knowlton, Niblack, Scobey, Spann, Teegarden, Turman, Walker, Washburn, and Winstandley.

Mr. Niblack moved to

Add to section 439 the following :

Or when the same has not been appraised, then of the fair value of the same."

Also, by inserting after the word "laws" in the second line of section 440 the words, "when an appraisement thereof is required ;"

Which was agreed to.

Mr. Scobey moved to

Strike out all after the word "form" in the third line of section 790;

Which was decided in the negative. Ayes 14 ; noes 23.

The ayes and noes were demanded by Senators Emerson and Athon.

*Those who voted in the affirmative were,*

Senators Eddy, Henton, Holloway, James, Knowlton, Logan, Niblack, Scobey, Slack, Spann, Todd, Walker, Washburn, and With-  
erow.

*Those who voted in the negative were,*

Senators Allen, Athon, Berry, Brugh, Cravens, Defrees, Delevan, Emerson, Hatfield, Hester, Hickman, Hicks, Hunt, Kinnard, Long-

shore, Mickle, Miller, Newland, Reid, Saffer, Teegarden, Turman, and Winstandley.

Mr. Reid moved to

Amend by inserting in the 4th line of section 790, after the word "undertaken" the words "the principal," and after the word "same" in the 5th line the words "and the surety to the amount specified in the bond or recognizance;"

Which was agreed to.

Mr. Hicks moved to strike out section 577;

Which motion did not prevail.

Mr. Niblack moved to amend as follows :

Insert after the word "injured" in the 3d line of the 456th section the words "not less than ten nor more than."

Which was adopted.

The question then being, shall the bill be engrossed for a third reading?

It was decided in the affirmative.

Mr. Slack moved to suspend the order of business;

Which was agreed to.

Mr. Slack, from a select committee, submitted the following report :

**MR. PRESIDENT :**

The select committee, to whom was referred Senate bill No. 23, have had the same under consideration, and have directed me to report the same back with the following amendments, and when adopted they recommend the passage of the bill :

Strike out from the enacting clause and insert the following :

**SEC. 1.** Each civil township shall be a body politic, may sue and be sued, prosecute and defend all suits in which such township is legally interested, in its corporate name ; and whenever any such suit is instituted against such township, process therein may be served on the clerk of such township, or if there be none, upon any trustee thereof ; and in case process is served upon such clerk, he shall notify such trustees thereof ; and in case it is served on any one trustee, he shall notify the other trustees thereof ; and in either case, such trustees shall immediately assemble and make the necessary orders to defend such suit, not inconsistent with this act.

**SEC. 2.** There shall be elected in each civil township, on the first Monday in April, of each year, at the usual places of holding elections in such township, by the qualified voters thereof, three trustees, one treasurer, and one clerk ; and if two or more persons have the highest and an equal number of votes for any such office, the same shall be determined by lot by the board of judges of such election, under such regulations as they may provide ; and such trustees,

treasurer and clerk shall hold their offices during one year, and until their successors are elected and qualified; and at the September term, in the year eighteen hundred and fifty-two, the board of commissioners of each county shall appoint three trustees, one clerk and one treasurer in and for each township of such county, who shall hold their offices until the next April election thereafter, and until their successors are elected and qualified, of each of which appointments such appointees shall be notified by the auditor of such county, and such trustees so appointed, shall meet in such township within twenty days' notice of their appointment, and take from such treasurer a bond with sufficient penalty and surety, to be by them approved, for the faithful performance of the duties of his office.

SEC. 3. If the voters of any such township shall fail to elect such trustees as herein provided, upon such failure being made known to the auditor of such county he shall appoint three citizens of such township trustees thereof, and cause them to be notified accordingly, and such trustees so appointed shall meet within twenty days after notice of such appointment, and appoint a clerk and treasurer of such township, and take from such treasurer a bond, as hereinbefore provided; and such trustees, clerk and treasurer shall hold their offices until the ensuing April election, and until their successors are elected or appointed and qualified.

SEC. 4. Such trustees, clerk and treasurer, before entering upon the discharge of the duties of their offices, shall take and subscribe an oath, for the faithful performance thereof, before some officer authorized to administer oaths; and such treasurer in all cases, before entering upon the discharge of his duties as such, shall execute a bond to the State, with surety and penalty to be approved by such trustees, for the faithful performance thereof, which oath and bond shall be filed with such clerk and spread of record in a book to be provided for that purpose by such trustees; and in giving new bonds and additional sureties, and the causes thereof, the regulations provided by law, in case of county officers in similar cases shall prevail, except that such trustees shall have jurisdiction of such cases, and all process therein shall be issued by such clerk.

SEC. 5. Such trustees shall act as judges of all elections held within their respective townships, except in cases specified in the next two succeeding sections; and they shall elect one of their number who shall preside as inspector of such elections, and perform all the duties enjoined by law upon inspectors of such elections; and such township clerk and treasurer shall act as the clerks of such elections; but all such officers, before entering upon the discharge of the duties of their offices, as such inspector, judges and clerks, shall be duly sworn by some officer authorized to administer oaths, that they will faithfully perform the duties of such officers according to law.

SEC. 6. In case there shall be more than one place of holding elections in such township, such trustees shall appoint an inspector, two judges and two clerks for the precinct at which they do not at-

tend, and cause them to be notified thereof by the clerk of the township

SEC. 7. If at any such election there shall not be present at the hour of ten o'clock A. M., such trustees and clerk, then those of them that are present shall proceed to choose from the qualified voters present some person to fill such vacancy; and if there shall be none of such officers present, then the qualified electors present shall proceed to choose by a viva voce vote, an inspector and two judges who shall choose two clerks and all such officers after being duly sworn shall proceed to the discharge of their duties.

SEC. 8. Such trustees shall meet at a convenient central place in each township, on the second Monday in May, August, November, and February, of each year, and oftener, if the business of the township may require it, and may continue in session until the business thereof is disposed of.

SEC. 9. Such trustees shall have the disposition of all funds belonging to such township, not otherwise provided for by law; be overseers of the poor,—have the general superintendence of the highways of such township, and may purchase the necessary implements for the improvement thereof.

SEC. 10. Such trustees shall fill all vacancies occurring in their own body, and in the offices of treasurer, clerk and supervisor, by appointment; and such appointees shall take the same oath, and give the same bond, as is required of persons duly elected to such offices.

SEC. 11. Such clerk shall attend at the meetings of such trustees, by himself or deputy, and keep a true record of their proceedings, in a book provided for that purpose by such trustees; and in case he shall not so attend in person or by deputy, such trustees may appoint a clerk *pro tempore*, who, after having taken the oath required of the clerk when duly elected, shall perform such duties until the clerk elect shall attend.

SEC. 12. Such clerk shall keep a true record account of receipts and expenditures on behalf of such township, with the treasurer and supervisor thereof, a detailed statement of which he shall make out in writing, and on the third Mondays of May and November of each year, shall post up copies thereof at the usual place of holding elections in such township.

SEC. 13. At each May term of such trustees, the treasurer of such township shall make a settlement with such trustees, in the presence of such clerk or his deputy, and upon such settlement such treasurer shall present vouchers for all expenditures.

SEC. 14. Such trustees may assess a tax for township purposes not exceeding five cents on the hundred dollars, to defray the expenses of such township organization, and in such case they shall direct the clerk to procure of the auditor of the county a transcript of all the taxable property of such township, which he shall deliver to the treasurer of such township, keeping thereof a copy; and such treasurer shall collect the taxes assessed according to the laws regulating



the collection of the State and county revenue,—having power to enforce such collection by seizure and sale, and all delinquencies he shall report to the county treasurer of such county, before the first day of August. when the treasurer of such county shall collect the same according to the laws regulating the collection of delinquent taxes for State and county revenue, and all such taxes thus collected he shall pay over to such township treasurer.

SEC. 15. The clerks of any election for such trustees, clerk, treasurer and for supervisors, shall make out separate certificates thereof for the persons elected, and deliver the same to such persons respectively; and in case the person thus elected fails to qualify within three days after the receipt of such certificate, by taking and subscribing an oath to faithfully perform the duties of his office, before some officer authorized to administer oaths, and filing such oath with the clerk of the township, if there be one, he shall for every day he so fails, forfeit and pay the sum of one dollar, to be recovered before any justice of the county, in the name of such township, for the benefit thereof, by any qualified voter thereof.

SEC. 16. Such trustees shall cause any bond authorized to be given by law by any such officer of the township, to be put in suit whenever its conditions have not been complied with, and all damages recovered thereon shall be for the use of such township.

SEC. 17. Such trustees shall receive for their compensation, one dollar per day for every day they may necessarily be engaged as such; and the trustees shall allow reasonable compensation to such clerk and treasurer, to be paid out of the township treasury.

SEC. 18. An emergency existing which requires that this act shall take effect and be in force as soon as practicable, in consequence of there being no law in force in many of the counties in this State for the government of civil townships and the election of officers therein, this act is hereby declared to be in force from and after its passage, and it is hereby made the duty of the Secretary of State to cause thirty copies hereof to be printed for each county in this State, and forward the same to the several county auditors.

SEC. 19. All laws coming in conflict with the provisions of this act, be and the same are hereby repealed.

On motion by Mr. Slack,

The bill and amendments were laid on the table.

On motion by Mr. Turman,

The order of business was suspended.

Mr. Turman moved to take up House bill

No. 14. A bill for the subscription to, and preservation of, the the public newspapers printed in the several counties of this State; Which was agreed to.

The question being, shall the bill pass,

It failed for want of a constitutional majority—ayes 25, noes 14.

*Those who voted in the affirmative were,*

Senators Allen, Athon, Brugh, Eddy, Emerson, Henton, Hester, Hickman, Hicks, Holloway, Kendall, Longshore, Marshall, Mickle, Newland, Niblack, Saffer, Slack, Spann, Teegarden, Todd, Turman, Walker, Winstandley, and Witherow.

*Those who voted in the negative were,*

Senators Berry, Cravens, Defrees, Delevan, Hatfield, James, Kinard, Knowlton, Logan, Miller, Reid, Scobey, Secrest, and Washburn.

#### ORDERS OF THE DAY.

*Bills on their second reading.*

Senate joint resolution No. 170. A joint resolution authorizing the Secretary of State to publish and circulate an act to provide for the incorporation of railroad companies;

Was read a second time and ordered to be engrossed for a third reading.

House bill No. 202. A bill prescribing the number, and defining the powers and duties of constables;

Was read a second time and ordered to a third reading.

House bill No. 224. A bill to authorize and limit allowances by courts and boards, and drafts upon county treasurers;

Was read a second time, and ordered to a third reading.

House bill No. 225. A bill concerning fugitives from justice;

Was read a second time and ordered to a third reading.

House bill No. 265. A bill prescribing the powers and duties of coroners,

Was read a second time; when

Mr. Cravens moved to amend section 2 as follows:

Insert after the word "interested," the word "absent;"

Which was agreed to.

Mr. Newland moved to

Add the following to section 8:

And when a surgeon or physician is required to attend such inquest and make a *post mortem* examination, the coroner shall certify

such service to the board of county commissioners, who shall order the same paid out of the county treasury.

Which was agreed to.

Mr. Saffer moved to strike out "eight" and insert "six" in the 6th line of section 12.

A division of the question was called for.

The President having decided the question divisible,

The first question was on striking out;

Which was decided in the affirmative.

Mr. Emerson moved to fill the blank with "seven;"

Which was agreed to.

The amendment was ordered to be engrossed, and the bill ordered to a third reading.

House bill No. 264. A bill prescribing the duties of Governor;  
Was read a second time and ordered to a third reading.

House bill No. 249. A bill prescribing the powers and duties of Auditor of State,  
Was read a second time and ordered to a third reading.

House bill No. 256. A bill to provide for township elections,  
Was read a second time, and,

On motion by Mr. Hester,

Laid on the table.

House bill No. 257. A bill in relation to county auditors,  
Was read a second time and ordered to a third reading.

House bill No. 260. A bill providing for the appointment of notaries public, and defining their powers and duties,

Was read a second time; when,

On motion by Mr. Niblack,

The bill was referred to a select committee.

Mr. Berry moved to instruct the committee to add the following section:

Sec. —. As there is an emergency existing that renders it necessary that this act shall take effect before the publication of the laws it is declared that this act shall take effect from and after its publication in the State Sentinel and State Journal;

Which was adopted.

Senators Niblack, Berry, and Secrest, were appointed said committee.

House bill, No. 262. A bill defining who are persons of unsound mind, authorizing the appointment of guardians for such persons, defining the powers and duties of such guardians; declaring void

the contracts of persons of unsound mind, and providing for their restraint, when necessary.

Was read a second time and ordered to a third reading.

House bill, No. 243. A bill to regulate the retailing of intoxicating liquors;

Was read a second time; when,

Mr. Berry moved to

Strike out section 2nd and insert in lieu thereof the following:

It shall be lawful to retail spirituous liquors in any city, town or township in this State until a majority of the voters of the proper township shall file with the county auditor their dissent to such retailing, with the affidavit of two respectable voters thereto attached verifying the facts that the names obtained constitute a majority, and that the signatures are genuine, and when this dissent shall have been filed, it shall be unlawful to retail in less quantities than one quart at a time, until a majority of the voters shall have in writing signified their willingness for such retailing, by filing in the same manner their approbation, as by this act required of a majority to prohibit it.

Mr. Holloway moved to lay the amendment on the table;

Which was decided in the negative. Ayes 15, noes 18.

The ayes and noes were demanded by Senators Holloway and Emerson.

*Those who voted in the affirmative were,*

Senators Cravens, Defrees, Delevan, Hatfield, Henton, Holloway, Kendall, Knowlton, Logan, Mickle, Milliken, Saffer, Scobey, Turman, and Witherow.

*Those who voted in the negative were,*

Senators Allen, Athon, Berry, Brugh, Emerson, Hester, Hickman, Hicks, James, Kinnard, Miller, Newland, Niblack, Spann, Todd, Walker, Washburn, and Winsteadley.

Mr. Henton moved to refer the bill to a select committee with the following instructions:

Insert a provision to make the venders of spirituous liquor accountable for all damages consequent upon their traffic in said article.

Also, insert a provision to punish irresponsible persons for a violation of this act.

A division of the question being called for, the President having decided the question divisible,

The first question was, will the Senate recommit the bill and pending amendment?

Which was decided in the negative. Ayes 15, noes 22.  
The ayes and noes were demanded by Senators Henton and Berry.

*Those who voted in the affirmative were,*

Senators Berry, Cravens, Eddy, Emerson, Henton, Hester, Hickman, Hicks, Miller, Milliken, Newland, Slack, Teegarden, Walker, and Winsteadley.

*Those who voted in the negative were,*

Senators Allen, Athon, Brugh, Defrees, Delevan, Hatfield, Holloway, James, Kendall, Kinnard, Knowlton, Logan, Mickle, Niblack, Saffer, Scobey, Secrest, Spann, Todd, Turman, Washburn, and Witherow.

Mr. Miller moved to lay the bill and pending amendment on the table;

Which was decided in the affirmative. Ayes 20; noes 18.

The ayes and noes were demanded by Senators Hester and Eddy.

*Those who voted in the affirmative were,*

Senators Allen, Athon, Berry, Brugh, Eddy, Emerson, Henton, Hester, Hickman, Hicks, Hunt, James, Logan, Miller, Newland, Niblack, Slack, Spann, Walker, and Winsteadley.

*Those who voted in the negative were,*

Senators Cravens, Defrees, Delevan, Hatfield, Holloway, Kendall, Kinnard, Knowlton, Mickle, Milliken, Saffer, Scobey, Secrest, Teegarden, Todd, Turman, Washburn, and Witherow.

Senate bill No. 171. A bill to authorize the change and relocation of county seats, and to point out the rules and restrictions governing such relocation;

Was read a second time; when

Mr. Secrest moved to strike out the 5th and 6th specifications of section 1st;

Which was not agreed to.

Mr. Secrest moved to refer the bill to a select committee;

Which motion did not prevail.

The question being, shall the bill be engrossed for a third reading?

It was decided in the affirmative.

The following message was received from the House of Representatives by Mr. Sites their clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the Speaker has signed the following enrolled bill thereof: No. 240, which I am directed to bring to the Senate for the signature of the President thereof.

Also;

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bills of the Senate:

No. 117, a bill for the incorporation of manufacturing and mining companies, and companies for mechanical, chemical and building purposes;

And No. 148, a bill touching the laying out and vacation of towns, streets, alleys, and public grounds, and the making out and recording plats of such towns;

Without amendment.

On motion by Mr. Longshore,  
The Senate adjourned.

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WEDNESDAY MORNING, }  
May 19th, 1852. }

The Senate met.

On motion by Mr. Hickman,  
Mr. Mickle was called to the chair.  
The journal of yesterday was read.

#### PETITIONS PRESENTED.

By Mr. Saffer:

From citizens of Clark county, asking the passage of a law similar in its provisions to the Maine liquor law.

Mr. Saffer moved that the petition be referred to the committee on Temperance;

Which motion did not prevail.

On motion by Mr. Winstandley,

The petition was referred to the Senator from Clark county.

On motion by Mr. Winstandley,

The vote on referring the petition to the Senator from Clark was reconsidered.

On motion by Mr. Saffer,

The petition was referred to the committee on Temperance.

By Mr. Saffer:

From citizens of the county of Warrick, and one from citizens of the county of Randolph, asking the passage of a law similar in its character to the Maine liquor law;

Which,

On motion by Mr. Saffer,

Referred to the committee on Temperance.

By Mr. Reid:

A petition from George W. Reid, asking the passage of a law making Mary Page Reid his lawful heir;

Which,

On motion by Mr. Reid,

Was referred to a select committee.

Senators Reid, Secrest and Marshall, were appointed said committee.

By Mr. Witherow:

Two petitions from citizens of Hendricks county, asking the passage of a law similar to the Maine liquor law;

Which,

On his motion,

Was referred to the committee on Temperance.

#### REPORTS SUBMITTED.

By Mr. Athon, from the committee on the State Prison:

MR. PRESIDENT:

The standing committee on the State Prison, to whom was referred the petition of sundry citizens of Clark and Floyd counties, for the relief of Samuel H. Patterson, lessee of said prison, have had the same under consideration, and have directed me to report the same back, with the accompanying bill, and recommend its passage, and ask to be discharged from the further consideration thereof.

The accompanying bill

No. 172. A bill for the relief of Samuel H. Patterson, the lessee of the State Prison ;

Was read a first time and passed to a second reading.

By Mr. Winstandley, from a select committee :

MR. PRESIDENT :

The select committee to whom was referred the petition of citizens of Floyd county, praying the passage of a law similar to the Maine law upon the subject of the liquor traffic, have had the same under consideration, and directed me to report the petition back to the Senate, and recommend that it be laid on the table.

Which was concurred in.

By Mr. Reid, from the select committee on Free Banks :

MR. PRESIDENT :

The committee on Free Banks to whom was referred certain petitions praying for the passage of a law establishing a system of free banking, have had the same under consideration, and have requested me to return the same to the Senate, as a law for this purpose has already been introduced, and passed this body, and ask to be discharged from all further action in the premises.

Which was concurred in.

#### RESOLUTIONS.

Mr. Saffer offered the following resolution :

WHEREAS, Great diversity of opinion exists respecting the number of citizens of this State who have petitioned this Legislature on the subject of temperance, as well as the number who have remonstrated against a stringent temperance law : Therefore,

*Be it resolved by the Senate, the House concurring, That a committee of one on the part of the Senate, and two on the part of the House, be appointed to examine and count the names of all the petitioners now on file, and report the result of their examination to each house. Also the number of the remonstrators.*

Mr. Niblack moved to amend the resolution as follows :

Insert in the proper place, "designating the number of voters, the number of ladies, and the number of children."

Which motion prevailed.

On motion by Mr. Winstandley,

The resolution was laid on the table.



## BILLS INTRODUCED.

By Mr. Reid :

No. 173. A bill for the benefit of Mary Page Reid ;

Which was read a first time and passed to a second reading.

The President laid before the Senate the following communication from the law commission :

COMMISSIONERS' ROOM, }  
MAY 18, 1852. }

HON. JAMES H. LANE,

*President of the Senate :*

You will please lay before the body over which you have the honor to preside, the accompanying report of a code of practice in criminal actions.

Respectfully, your ob't serv'ts,  
WALTER MARCH,  
GEO. W. CARR, } *Commissioners.*  
LUCIAN BARBOUR, }

The accompanying bill No. 174. A bill to revise, simplify and abridge the practice, pleadings and forms, in criminal actions in the courts of this State ;

Was read a first time and passed to a second reading.

On motion by Mr. Defrees,

The order of business was suspended.

The following message was received from the House of Representatives, by Mr. Sites, their Clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has concurred in the 1st, 2d, 3d, 4th, 6th, 7th, 8th and 9th amendments of the Senate, to engrossed bill of the House No. 139, "a bill to establish a system of general banking," and refuse to concur in the 5th engrossed amendment.

Mr. Defrees moved that the Senate recede from the 5th amendment.

Mr. Teegarden moved a call of the Senate ;

Which was ordered.

Senators Alexander, Hanna, Hunt, Knowlton, Newland and Scobey were absent.

On motion,  
The absentees were sent for.  
Mr. Emerson moved to suspend the call ;  
Which motion did not prevail.

On motion by Mr. Longshore,  
The call was suspended.  
The question then being, will the Senate recede from their 5th amendment?

It was decided in the affirmative—ayes 21, noes 18.

The ayes and noes were demanded by Senators Secrest and Berry.

*Those who voted in the affirmative were,*

Senators Athon, Davis, Defrees, Delevan, Henton, Hicks, Holloway, James, Kendall, Knowlton, Longshore, Marshall, Milliken, Secrest, Teegarden, Todd, Turman, Walker, Washburn, Winsteadley, and Witherow.

*Those who voted in the negative were,*

Senators Allen, Berry, Brugh, Cravens, Eddy, Emerson, Hatfield, Hickman, Hunt, Kinnard, Logan, Mickle, Miller, Niblack, Reid, Slack, Sleeth, and Spann.

Mr. Eddy asked leave to change his vote on the passage of House bill No. 139 ;

Which was not granted.

On motion by Mr. Milliken,  
Senate bill No. 165. A bill supplemental to "an act to provide for the incorporation of Rail Road companies,"

Was taken up,

And the question being, shall the bill pass?

It failed for want of a constitutional majority—ayes 19, noes 16.

*Those who voted in the affirmative were,*

Senators Cravens, Defrees, Delevan, Eddy, Hester, Hickman, Hicks, Holloway, James, Longshore, Marshall, Mickle, Milliken, Reid, Slack, Sleeth, Teegarden, Todd, and Winsteadley.

*Those who voted in the negative were,*

Senators Allen, Athon, Berry, Brugh, Davis, Emerson, Hatfield, Kinnard, Knowlton, Logan, Niblack, Secrest, Turman, Walker, Washburn, and Witherow.

#### BILLS ON THEIR THIRD READING.

No. 169. A bill to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, &c.;

Was on its third reading; when,

On motion by Mr. Emerson,

The bill was referred to the committee on Revision.

House bill No. 262. A bill defining who are persons of unsound mind, authorizing the appointment of guardians for such persons, defining the powers and duties of such guardians, declaring void the contracts of persons of unsound mind, and providing for their restraint when necessary.

Was read a third time, when,

On motion by Mr. Hester,

The bill was laid on the table.

Senate bill No. 171. A bill to authorize the change and re-location of county seats, and to point out the rules and restrictions governing such re-location;

Was read a third time, when

Mr. Saffer moved to lay the bill on the table;

Which was not agreed to.

On motion by Mr. Knowlton,

The bill was referred to a select committee.

Senators Knowlton, Secrest, Turman, Hanna and Saffer were appointed said committee.

Senate joint resolution No. 170. A joint resolution authorizing the Secretary of State to publish and circulate an act to provide for the incorporation of railroad companies;

Was read a third time,

And the question being, shall the joint resolution pass?

It was decided in the affirmative—ayes 26, noes 13.

*Those who voted in the affirmative were,*

Senators Berry, Brugh, Cravens, Davis, Defrees, Emerson, Henton, Hickman, Hicks, Holloway, James, Kendall, Logan, Longshore,

Mickle, Niblack, Reid, Secrest, Slack, Sleeth, Spann, Todd, Turman, Walker, Washburn, and Witherow.

*Those who voted in the negative were,*

Senators Allen, Athon, Delevan, Eddy, Hatfield, Hester, Hunt, Kinnard, Knowlton, Marshall, Miller, Milliken, and Winstandley.

House bill No. 224. A bill to authorize and limit allowances by courts and boards and drafts upon county treasurers;

Was read a third time.

And the question being, shall the bill pass?

It was decided in the affirmative. Ayes 33, noes 1.

*Those who voted in the affirmative were,*

Senators Allen, Athon, Berry, Brugh, Cravens, Davis, Defrees, Delevan, Eddy, Emerson, Hatfield, Henton, Hester, Hickman, Holloway, Kinnard, Knowlton, Logan, Longshore, Marshall, Mickle, Miller, Milliken, Reid, Secrest, Slack, Sleeth, Spann, Todd, Walker, Washburn, Winstandley and Witherow.

Senator Turman voted in the negative.

House bill No. 202. A bill prescribing the number and defining the duties of constables;

Was read a third time, and

The question being, shall the bill pass?

It was decided in the affirmative. Ayes 34; noes 3.

*Those who voted in the affirmative were,*

Senators Allen, Athon, Brugh, Cravens, Davis, Defrees, Delevan, Eddy, Emerson, Hatfield, Henton, Hester, Hickman, Hicks, Holloway, James, Kendall, Kinnard, Knowlton, Logan, Longshore, Mickle, Milliken, Niblack, Saffer, Secrest, Slack, Sleeth, Spann, Todd, Turman, Walker, Washburn, and Witherow.

Senators Berry, Miller, and Winstandley voted in the negative.

House bill No. 225. A bill concerning fugitives from justice;

Was read a third time, and,

The question being, shall the bill pass?

It was decided in the affirmative—ayes 35, noes 0.

*Those who voted in the affirmative were,*

Senators Allen, Athon, Berry, Brugh, Cravens, Davis, Delevan, Eddy, Emersen, Hanna, Hatfield, Henton, Hester, Hickman, Holloway, James, Kendall, Kinnard, Knowlton, Logan, Mickle, Miller, Milliken, Reid, Saffer, Secrest, Slack, Sleeth, Teegarden, Todd, Turman, Walker, Washburn, Winstandley, and Witherow.

House bill No. 249. A bill prescribing the powers and duties of Auditor of State ;

Was read a third time, and,

The question being shall the bill pass?

It was decided in the affirmative. Ayes 36 ; noes 0.

*Those who voted in the affirmative were,*

Senators Allen, Athon, Berry, Brugh, Cravens, Davis, Delevan, Eddy, Emerson, Hatfield, Henton, Hester, Hickman, Hicks, Holloway, James, Kendall, Kinnard, Knowlton, Logan, Longshore, Mickle, Miller, Milliken, Niblack, Saffer, Secrest, Slack, Sleeth, Spann, Teegarden, Todd, Walker, Washburn, Winstandley, and Witherow.

House bill No. 264. A bill prescribing the duties of Governor ;

Was read a third time,

And the question being, shall the bill pass?

It was decided in the affirmative. Ayes 38 ; noes 0.

*Those who voted in the affirmative were,*

Senators Allen, Athon, Berry, Brugh, Cravens, Davis, Defrees, Delevan, Eddy, Emerson, Hatfield, Henton, Hester, Hickman, Hicks, Holloway, James, Kendall, Kinnard, Knowlton, Logan, Longshore, Mickle, Miller, Milliken, Niblack, Reid, Saffer, Secrest, Slack, Sleeth, Spann, Teegarden, Todd, Walker, Washburn, Winstandley, and Witherow.

House bill No. 257. A bill in relation to county auditors ;

Was read a third time ; when,

On motion by Mr. Hester,

It was laid on the table.

House bill No. 265. A bill prescribing the powers and duties of coroners ;

Was read a third time ; and

The question being, shall the bill pass?

It was decided in the affirmative. Ayes 35 ; noes 1.

*Those who voted in the affirmative were,*

Senators Allen, Athon, Berry, Cravens, Davis, Defrees, Delevan, Eddy, Emerson, Hatfield, Henton, Hester, Hickman, Hicks, Holloway, Hunt, James, Kinnard, Knowlton, Logan, Longshore, Mickle, Milliken, Niblack, Reid, Saffer, Secrest, Slack, Sleeth, Todd, Turman, Walker, Washburn, Winstandley, and Witherow.

Senator Teegarden voted in the negative.

On motion by Mr. Cravens,  
The Senate adjourned.

2 o'clock, P. M.

The Senate met.

On motion by Mr. Niblack,  
Mr. Milliken was called to the chair.

Mr. Turman, from a select committee, submitted the following report:

MR. PRESIDENT:

The committee to whom was referred House bill No. 142, providing for the removal of the county seat of Clay county, would respectfully report that said bill contains two distinct provisions, one for the appointment of commissioners to relocate the seat of justice, and the other to compel the county commissioners to postpone the erection of public buildings in said county, until after said question of relocation shall have been acted upon by said commissioners appointed for that purpose. We are informed there exists now, and did at the time of the introduction of this bill, a contract entered into by the board for the erection of a court house in said county; and that the contractors are proceeding with said work.

This is a special law. Certain questions arise as to the constitutionality of such an enactment, which we will briefly present.

Section 25, article 4, of the new Constitution, is as follows: "In all cases enumerated in the preceding section, and in all other cases where a general law can be made applicable, all laws shall be general, and of uniform operation throughout the State."

This law effects Clay county alone. It will not operate upon the

county seat of any other county; therefore it is not uniform, nor of general operation. It is argued sometimes that a general law cannot be made *applicable* to the removal of county seats. We would most respectfully ask, why not? We think that a general law can be so framed as to authorize a removal in any county of the State, when the conditions of that law shall have been complied with.

The *policy* of passing such a law is another question, not at all affecting the power to enact it. If we possess the *power* to enact a general law which would be applicable to this subject, and fail to exercise that power, such failure does not necessarily confer upon us the constitutional right to then enact a special law. In a word, if we can make a general law applicable at all, then we cannot, under the Constitution, apply a special enactment.

In construing this clause of the Constitution, it is our duty not only to look at the specific words employed, but also to revert to the causes which preceded, and impelled the convention to thus frame the section under consideration. Those reasons are, a portion of them, embodied in the address published by the convention at the close of its labors, to the voters of the State, and in the following language:

"The most important restrictions imposed upon the legislative branch, is that which provides that, in a variety of enumerated cases, (as the jurisdiction of justices of the peace,—the mode of doing county and township business,—the fees of county and township officers, road laws, common school laws, &c.) and in all other cases where a general law can be made applicable, no special law can be passed. It is an estimate much within the truth, that more than two-thirds of all the laws enacted in this State, since her admission into the Union, have been of the character here forbidden. More than two-thirds of our legislation, therefore, and the most confusing and mischievous portion of it is cut off by this single provision. Independently of the intrinsic benefits of such a change, the savings thereby effected, of expenses both as regards the time of the legislature and the cost of printing our laws, will be great."

By the above extract it will be seen that the convention itself considered this as the most important restriction in the Constitution which had been placed upon the legislative branch of the government; and among the enumerated restricted cases they placed that regulating county and township business as second.

And we might be permitted here to say, that a very serious question arises under section 22d, whether the passage of the bill under consideration is not absolutely and imperatively prohibited, even if said bill did not contain the section relative to contracts for public buildings. The reason is this: The removal or re-location of county seats, is apparently a part of the county business. If it is strictly county business, then we are absolutely prohibited from passing a special law. The law, then, must be general. But this latter is a point which we have not fully considered, for the reason that we believe the other points, which we have investigated, are clear

and distinct against a special law, and which will be noticed more at length.

It will be recollected that great complaint was made before the call for a convention, on account of the vast amount of local legislation and the great consumption of time in attending to matters of a character where one enactment if properly matured would meet all similar cases that might arise for years; for instance there was not a session passed over that an application was not made in relation to vacating streets and alleys; matters which might be just as well attended to before the board of county commissioners, and less liable to be wrongfully granted or the power abused. Another difficulty which was intended to be avoided, was the manner of legislation; if a member from a county would ask the passage of a law affecting, however injuriously, any part of his constituents, his fellow members from a mistaken idea of courtesy, would permit it to pass. This was often taken advantage of by interested persons and the passage of laws obtained, which resulted to the benefit of the advocate and his special friends, and to the injury of those he pretended to represent. These and many other evils of legislation were intended to be avoided by requiring legislation to be general. This requirement makes it the duty and interest of every member of each house to look into all measures proposed, and compels them to throw off the false delicacy above alluded to.

*Secondly.* As to the provision in regard to the erection of public buildings, and which would postpone the completion of the contract entered into for that purpose, the first question that arises is, do we possess such power?

The Constitution of Indiana article 1st, section 23 is as follows:

"No *ex post facto* law, or law impairing the obligation of contracts, shall ever be passed."

This clause was doubtless inserted in pursuance of the following clause of the Constitution of the United States, article 1st section 10:

"No State shall pass any law impairing the obligation of contracts."

An able commentator upon the Constitution of the United States has adopted the following doctrine and language, which was published previous to, and in favor of the adoption of such constitution by the several States, to-wit:

"Bills of attainder, *ex post facto* laws and laws impairing the obligation of contracts, are contrary to the first principles of the social compact, and to every principle of sound legislation."

And further:

"The sober people of America are weary of the fluctuating policy, which has directed the public councils. They have seen with regret and indignation, that sudden changes, and legislative interferences, in cases affecting personal rights, become jobs in the hands of enterprising and influential speculators, and snares to the more industrious and less informed part of the community. They have seen, too,



that one legislative interference is but the first link in a long chain of repetitions, every subsequent interference being naturally provoked by the effects of the preceding." See Story's Com. on Const. and reference, page 240, vol. 3.

This language is plain and intelligible. It shows that legislatures had previously resorted to such practices, and portrays some of the effects thereof; and the eminent writer above quoted from, there well says:

"Very properly, therefore, have the convention added this constitutional bulwark, in favor of personal security and private rights."

Judge Story then proceeds at page 250 to define what would amount to an invasion or breach of this clause of the constitution. It may be well for us also to say that the position taken by him has been repeatedly declared and sustained by the highest judicial tribunal known to our laws, the Supreme Court of the United States.

These high authorities are referred to not because of the importance of the present measure, in itself; but by reason of the precedent which it sets. If at the first session of the adoption of our new constitution, we should fail to exercise a due degree of caution in giving the proper construction of that instrument, in all its parts, we may involve ourselves, and those who come after us, in a maze of difficulties and inconsistencies.

But the language of Judge Story is as follows:

"In the next place, what may properly be deemed impairing the obligation of contracts, in the sense of the constitution? It is perfectly clear that any law which enlarges, abridges, or in any manner changes the intention of the parties, resulting from the stipulations in the contract, necessarily implies it. The manner or degree in which this change is effected, can in no respect influence the conclusion; for whether the law affect the validity, the construction, the duration, the discharge or the evidence of the contract, it impairs its obligation, though it may not do so to the same extent in all the supposed cases. Any deviation from its terms by postponing or accelerating the period of performance, which it prescribes; imposing conditions not expressed in the contract; or dispensing with the performance of those which are a part of the contract; however minute, or apparently immaterial in their effect upon it, impair its obligations. *A fortiori* (for that reason) a law which makes the contract wholly invalid, or extinguishes, or releases it, is a law impairing it."—Vide Story's Com. on the Const., page 250, vol. 3.

This bill is unconstitutional on another ground. The 22d section of the 4th article says:

"The General Assembly shall not pass local or special laws in any of the following enumerated cases, that is to say: Regulating county and township business, among other matters specially named. Certainly contracts for the erection of public buildings of a county, is a part of the county business, which it is the duty of the county board to enter into and carry into effect in good faith. This can

only be done *now*, under and in pursuance of a general law. Such contracts cannot be regulated, either by enlarging or circumscribing the terms, or in any other way by a special law. The constitution positively and imperatively prohibits the passage of such special law. For instance, we cannot now enact a law that one county shall make contracts for present payment, and a neighboring county may contract on credit exclusively. But it is useless to amplify on this point; where the fundamental law positively prohibits us from doing a certain act, no hunting about for the reason of the prohibition will authorize us to disregard it.

Entertaining these views, your committee would respectfully recommend that the bill be laid upon the table.

The question then being, will the Senate concur in the report of the committee?

It was decided in the affirmative. Ayes 25; noes 13.

The ayes and noes were demanded by Senators Secrest and Niblack.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Berry, Defrees, Eddy, Emerson, Hanna, Hickman, Hicks, Hunt, James, Kendall, Logan, Mickle, Milliken, Newland, Reid, Saffer, Slack, Sleeth, Teegarden, Turman, Walker, Washburn, and Winstandley.

*Those who voted in the negative were,*

Senators Athon, Brugh, Cravens, Delevan, Henton, Holloway, Knowlton, Niblack, Scobey, Secrest, Spann, Todd, and Witherow.

The following message was received from the House of Representatives, by Mr. Sites, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof:

No. 195. A bill dividing the State into counties and defining their boundaries, and defining the jurisdiction of such as border on the Ohio and Wabash rivers.

In which the concurrence of the Senate is respectfully requested.

The accompanying bill was read a first time and passed to a second reading.

Also, the following message from the House of Representatives, by Mr. Sites, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bills thereof:

No. 268. A bill to provide for the erection and repair of bridges.

No. 271. An act giving validity to a certain class of contracts.

In which the concurrence of the Senate is respectfully requested.

The accompanying bills were read a first time and passed to a second reading.

Also the following message:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the Speaker has signed the following enrolled bills of the Senate:

Nos. 117, 147 and 148, which I am directed to bring to the Senate for the signature of the President thereof.

Also, the following:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof:

No. 191. An act to amend the third section of an act entitled, "an act to incorporate the White River Navigation Company," approved February 13, 1851, and to extend the rights and privileges of said company.

In which the concurrence of the Senate is respectfully requested.

The accompanying bill was read a first time and passed to a second reading.

Also, the following:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof:

No. 258. A bill in relation to county treasurers;

In which the concurrence of the Senate is respectfully requested.

The accompanying bill was read the first time and passed to a second reading.

Mr. Turman, from the joint committee on Enrolled Bills, submitted the following report:

MR. PRESIDENT:

Senate bills numbered 117, 147 and 148 have been examined by the joint committee on Enrolled Bills. They are correctly enrolled.

Mr. Mickle moved to take from the table House bill No. 257, "a bill in relation to county auditors;"

Which motion prevailed.

Mr. Mickle moved to refer the bill to a select committee.

Which motion prevailed; when,

Senators Mickle, Slack and Hester were appointed said committee.

Mr. Mickle moved to take from the table House bill No. 243, "a bill to regulate the retailing of intoxicating liquors;"

Which motion prevailed.

Mr. Niblack moved a call of the Senate;

Which was ordered.

Upon calling the roll the following Senators were absent:

Senators Berry, Defrees, Hester, Hunt, Marshall and Saffer.

On motion by Mr. Eddy,

The further call was suspended.

The question then being, will the Senate adopt the amendment striking out section two and inserting one in lieu thereof, proposed on yesterday?

Mr. Milliken offered the following amendment to the amendment:

Strike out the words "city, town or" wherever they occur in the bill immediately preceding the word "township."

Which was not adopted.

The question then recurring on the adoption of the amendment,

It was decided in the negative. Ayes 18; noes 24.

The ayes and noes were demanded by Senators Secrest and Milliken.

*Those who voted in the affirmative were,*

Senators Allen, Brugh, Cravens, Emerson, Hanna, Hickman, James, Kinnard, Longshore, Miller, Newland, Niblack, Sleeth, Spann, Todd, Walker, Washburn, and Winstandley.

*Those who voted in the negative were,*

Senators Alexander, Davis, Dawson, Defrees, Delevan, Eddy, Hatfield, Henton, Hicks, Holloway, Hunt, Kendall, Knowlton, Logan,

Mickle, Milliken, Reid, Saffer, Scobey, Secrest, Slack, Teegarden, Turman, and Witherow.

Mr. Eddy moved to amend section 2 by striking out the word "voters," in the 5th line and inserting the words "a majority of all white persons over twenty-one years of age."

Which was not agreed to.

Mr. Winstandley moved to add the following section:

That when a majority of the voters of the township shall have filed their consent as provided in section —, the county commissioners shall have authority to grant a license, upon application therefor, to any person of said township of good moral character, and may charge for said license any sum not exceeding one hundred dollars; and no such license shall be granted for a longer period than one year.

Which motion prevailed—ayes 27, noes 14.

The ayes and noes were demanded by Senators Mickle and Scobey.

*Those who voted in the affirmative were,*

Senators Defrees, Delevan, Eddy, Hanna, Hatfield, Henton, Hickman, Holloway, Hunt, James, Knowlton, Logan, Miller, Milliken, Newland, Niblack, Reid, Scobey, Secrest, Slack, Sleeth, Spann, Teegarden, Todd, Walker, Washburn, and Winstandley.

*Those who voted in the negative were,*

Senators Alexander, Allen, Brugh, Cravens, Davis, Emerson, Hicks, Kendall, Kinnard, Longshore, Mickle, Saffer, Turman, and Witherow.

Mr. Winstandley moved to amend by striking out the word "gallon," and inserting the word "quart."

A division of the question being called for,

And the President having decided the question divisible,

The first question, will the Senate strike out the word "gallon?"

Was decided in the negative. Ayes 21; noes 21.

The ayes and noes were demanded by Senators Milliken and Scobey.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Brugh, Cravens, Davis, Delevan, Emerson, Hanna, Hatfield, Hickman, James, Longshore, Miller, Newland, Niblack, Slack, Sleeth, Spann, Walker, Washburn, and Winstandley.

*Those who voted in the negative were,*

Senators Dawson, Defrees, Eddy, Henton, Hicks, Holloway, Hunt, Kendall, Kinnard, Knowlton, Logan, Mickle, Milliken, Reid, Saffer, Scobey, Secrest, Teeegarden, Todd, Turman, and Witherow.

Mr. Eddy moved to amend as follows:

"But such license shall not be given until such person has filed a bond, with freehold surety, with the county auditor, in the penal sum of one thousand dollars, conditioned for the payment of all damages immediately resulting from the sale of intoxicating liquors."

Which motion prevailed—ayes 26, noes 15.

The ayes and noes were demanded by Senators Winstandley and Holloway.

*Those who voted in the affirmative were,*

Senators Dawson, Defrees, Delevan, Eddy, Hanna, Henton, Hicks, Holloway, Hunt, Kendall, Kinnard, Knowlton, Logan, Mickle, Milliken, Newland, Reid, Saffer, Scobey, Secrest, Slack, Sleeth, Teeegarden, Todd, Turman, and Witherow.

*Those who voted in the negative were,*

Senators Alexander, Allen, Brugh, Cravens, Emerson, Hatfield, Hickman, James, Longshore, Miller, Niblack, Spann, Walker, Washburn, and Winstandley.

Mr. Hanna moved to add the following sections:

SEC. —. That every person, owner of real property, who shall suffer or permit his house situated thereon to be used as a place for illegal trafficking in intoxicating liquors, after having had ten days' notice of his property having been so used; the said owner of property shall stand as security for all fines and costs that may be assessed for such illegal traffic after such notice shall have been given as aforesaid.

SEC. —. That any owner of real property who may have rented or let his property, may turn out any tenant or occupant of his property upon three days' notice if such illegal traffic is persisted in.

Which motion prevailed—ayes 27, noes 15.

The ayes and noes were demanded by Senators Eddy and Scobey.

*Those who voted in the affirmative were,*

Senators Alexander, Cravens, Davis, Defrees, Delevan, Eddy, Hanna, Hatfield, Henton, Hickman, Hicks, Holloway, Hunt, James,

Kendall, Kinnard, Knowlton, Logan, Mickle, Milliken, Reid, Saffer, Scobey, Secrest, Teegarden, Turman, and Witherow.

*Those who voted in the negative were,*

Senators Allen, Brugh, Dawson, Emerson, Longshore, Miller, Newland, Niblack, Slack, Sleeth, Spann, Todd, Walker, Washburn, and Winsteadley.

Mr. Niblack moved to strike out section nine;

Which motion did not prevail. Ayes 20, noes 21.

The ayes and noes were demanded by Senators Scobey and Longshore.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Berry, Brugh, Cravens, Defrees, Emerson, Hickman, James, Logan, Longshore, Miller, Newland, Niblack, Slack, Sleeth, Spann, Walker, Washburn, and Winsteadley.

*Those who voted in the negative were,*

Senators Dawson, Delevan, Eddy, Hatfield, Henton, Hicks, Holloway, Hunt, Kendall, Kinnard, Knowlton, Mickle, Milliken, Reid, Saffer, Scobey, Secrest, Teegarden, Todd, Turman, and Witherow.

The question being, shall the amendments be engrossed and the bill ordered to a third reading?

It was decided in the affirmative. Ayes 23; noes 19.

The ayes and noes were demanded by Senators Winsteadley and Mickle.

*Those who voted in the affirmative were,*

Senators Cravens, Dawson, Defrees, Delevan, Eddy, Henton, Hicks, Holloway, Hunt, Kendall, Kinnard, Knowlton, Logan, Mickle, Milliken, Reid, Saffer, Scobey, Secrest, Sleeth, Teegarden, Turman, and Witherow.

*Those who voted in the negative were,*

Senators Alexander, Allen, Berry, Brugh, Emerson, Hanna, Hatfield, Hickman, James, Longshore, Miller, Newland, Niblack, Slack, Spann, Todd, Walker, Washburn, and Winsteadley.

When,

On motion by Mr. Reid,

The Senate adjourned.

THURSDAY MORNING, }  
May 20th, 1852. }

The Senate met.

On motion by Mr. Niblack,  
Mr. Cravens was called to the chair.

On motion by Mr. Secrest,  
The order of business was suspended.  
Mr. Secrest offered the following resolution :

*Resolved*, That the Senate proceed to the election of President *pro tem.*, instantler.

Which was adopted.

*Those who voted for Hon. Samuel S. Mickle were,*

Senators Alexander, Allen, Athon, Brugh, Cravens, Defrees, Delevan, Eddy, Emerson, Hanna, Henton, Hester, Hickman, Hicks, Holloway, Hunt, James, Kendall, Kinnard, Knowlton, Logan, Longshore, Marshall, Miller, Milliken, Newland, Niblack, Odell, Reid, Saffer, Scobey, Secrest, Slack, Turman, Walker, Washburn, Winstandley and Witherow—37.

Mr. Hatfield voted for Mr. Cravens.

Hon. Samuel S. Mickle having received the votes of a majority of all the Senators elected, was declared duly elected President *pro tem.*, and took the chair.

Mr. Alexander moved to dispense with the reading of the journal.  
Which motion did not prevail.

The journal of yesterday was read.

#### PETITIONS PRESENTED.

By Mr. Milliken :

The memorial of citizens of Dearborn county, in reference to reducing the fees and salaries of county officers ;

Which,

On his motion,

Was referred to the committee on the Judiciary.



## REPORTS SUBMITTED.

By Mr. Winstandley from the committee on Finance :

MR. PRESIDENT:

The committee on Finance to whom was referred the petition of D. Ryan, and one hundred and seventy-eight others of the county of Madison, praying for relief to the heirs of Adam Pence, have had the subject matter of the petition under consideration, and a majority of the committee have instructed me to report the petition back to the Senate and recommend that it be laid on the table.

Which was concurred in.

By Mr. Athon, from the committee on the State Prison :

MR. PRESIDENT:

The standing committee on the State Prison, to whom was referred House bill No. 157, have had the same under consideration, and have directed me to report the same back and request that the bill be amended by striking out from the enacting clause, and inserting the accompanying amendments, and recommend its passage, and ask to be discharged from the further consideration of the subject.

SEC. 1. That as, in accordance to an act of the General Assembly, a contract has been entered into by the superintendent appointed by the Governor, with Samuel H. Patterson, for the reconstruction of that portion of the State Prison recently consumed by fire; the rent now due from said Patterson as lessee of said prison, be deducted out of the consideration money of said contract.

SEC. 2. For and in consideration of said contract, and that said Samuel H. Patterson will construct a sewer for said prison in accordance to the terms of a contract entered into by the Warden of said prison and said Patterson. And as a partial reparation of the losses sustained by said Patterson as lessee of said prison, said Patterson is hereby discharged from the payment of any rent due or to become due as the lessee of said prison from the 14th day of June, 1851, to the 14th day of June, 1856; that he shall fully comply with the terms of said contract entered into with said superintendent and warden, respectively, for the reconstruction of the burnt portion of said prison, and the construction of said sewer, without any additional charge to the State; and shall in all other respects conform to the terms of the lease of said prison until the expiration thereof; and be subject to all the regulations and liabilities therein provided.

The accompanying amendment was ordered to be engrossed and the bill ordered to a third reading.

By Mr. Hester, from a select committee:

MR. PRESIDENT:

The select committee, to whom was referred House bill No. 257, an act in relation to county auditors, have had the same under consideration, and directed me to report the same back, with one amendment, and when so amended, recommend its passage.

Amend the first section by striking out the first Monday of March, and inserting the second Monday of June.

Which was concurred in.

The question being, shall the bill pass?

It was decided in the affirmative—ayes 36, noes 7.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Athon, Brugh, Cravens, Davis, De-frees, Delevan, Hanna, Hatfield, Henton, Hester, Hicks, Holloway, Hunt, James, Kendall, Kinnard, Knowlton, Logan, Longshore, Mickle, Miller, Milliken, Newland, Niblack, Reid, Saffer, Secrest, Slack, Sleeth, Todd, Walker, Washburn, Winstandley and Withe-row.

*Those who voted in the negative were,*

Senators Berry, Dawson, Emerson, Hickman, Scobey, Spann and Turman.

By Mr. Hester from a select committee:

MR. PRESIDENT:

The committee on Revision, to whom was referred Senate bill No. 169, have had the same under consideration, and have directed me to report the same back with an amendment, after the adoption of which they recommend its passage. They recommend that the vote on the adoption of the amendment to section 437 be reconsidered, and they ask to be discharged from the further consideration thereof.

Insert after section 641, page 133, the following section:

SEC. —. Whenever any person seeks a remedy against another

for whom he has discharged a debt or claim upon contract, in whole or in part, made payable without any relief from valuation or appraisal laws, for which he was bound as surety or otherwise, the remedy of such person shall also be enforced without relief from such laws.

Which was concurred in.

Mr. Niblack moved to reconsider the vote just taken.

Which motion prevailed.

A division of the question being called for, and the President having decided the question divisible.

The 1st question was, will the Senate adopt the amendment?

Which was decided in the affirmative.

The next question being, will the Senate concur in the recommendation of the committee?

It was decided in the negative.

Mr. Hester moved to recommit the bill to the committee on Revision with instructions to strike out section 437.

Which was agreed to.

#### RESOLUTIONS.

Mr. Hester offered the following resolution:

*Resolved*, The House concurring, that the Secretary of State be authorized to employ an additional number of clerks, not exceeding five, in the enrollment of bills of the present General Assembly, and that said clerks be paid the per diem pay of the clerks of the General Assembly, out of the State treasury.

Mr. Emerson moved to lay the resolution on the table;

Which motion prevailed.

Mr. Hester, from the select committee on Revision, submitted the following report:

**MR. PRESIDENT:**

The select committee to whom was referred Senate bill No. 169, have had the same under consideration, and have directed me to report it back, and recommend that section 437 be stricken out.

Which was concurred in.

The question being, shall the bill pass?

It failed for want of a quorum. Ayes 29; noes 3.

*Those who voted in the affirmative were,*

Senators Allen, Berry, Davis, Defrees, Delevan, Eddy, Emerson, Hatfield, Henton, Hester, Hickman, Hicks, James, Kinnard, Knowlton, Logan, Longshore, Mickle, Milliken, Newland, Niblack, Reid, Secrest, Sleeth, Todd, Turman, Walker, Washburn, and Winsteadley.

Senators Hanna, Scobey, and Witherow, voted in the negative.

Mr. Defrees moved to adjourn;

Which motion did not prevail.

Mr. Niblack moved a call of the Senate;

Which was not ordered.

Mr. Turman moved to adjourn;

Which was not agreed to.

Mr. Niblack moved to adjourn;

Which motion did not prevail.

Mr. Longshore moved to adjourn;

Which was decided in the negative. Ayes 9; noes 16.

The ayes and noes were demanded by five Senators.

*Those who voted in the affirmative were,*

Senators Cravens, Defrees, Delevan, Longshore, Marshall, Milliken, Niblack, Todd, and Walker.

*Those who voted in the negative were,*

Senators Allen, Emerson, Hanna, Henton, Hester, Hickman, Hicks, Knowlton, Logan, Newland, Scobey, Secrest, Sleeth, Washburn, Winsteadley, and Witherow.

The following message was received from the House of Representatives, by Mr. Sites, their Clerk:

**MR. PRESIDENT:**

I am directed by the House of Representatives to inform the Senate that the House has concurred in the engrossed amendments of the Senate to engrossed bills of the House.

No. 238. An act concerning interest on money.

No. 251. An act for the regulation of the Penitentiary.

No. 221. An act concerning county prisons.

No. 237. An act declaring what documents shall be published along with the revised statutes.

No. 242. An act to submit to the voters of the counties of Perry

and Spencer, at the general election for the year 1852, a proposal to create a new county, &c.

No. 265. An act prescribing the powers and duties of coroners.

Also, the House has concurred in the engrossed amendments of the Senate to engrossed amendments of the House to engrossed bills of the Senate,

No. 123. A bill providing for an organization of circuit courts, the election of judges thereof, and defining their powers and duties.

No 132. A bill prescribing the manner of compelling officers to give new bonds, and additional sureties.

On motion by Mr. Niblack,  
The Senate adjourned.

2 o'clock, P. M.

The Senate met.

Bill No. 169, which failed this morning for want of a quorum, was taken up; and,

The question being, shall the bill pass?

It was decided in the affirmative. Ayes 35; noes 6.

*Those who voted in the affirmative were,*

Senators Allen, Athon, Brugh, Cravens, Davis, Dawson, Defrees, Delevan, Emerson, Hatfield, Henton, Hester, Hickman, Hicks, James, Kendall, Kinnard, Knowlton, Logan, Longshore, Mickle, Miller, Milliken, Newland, Niblack, Reid, Saffer, Secrest, Slack, Sleeth, Turman, Walker, Washburn, and Winsteadley.

*Those who voted in the negative were,*

Senators Hanna, Holloway, Marshall, Scobey, Spann, and With-  
erow.

House bill No. 243. A bill to regulate the retailing of intoxicating liquors;

Was upon its third reading, when

Mr. Turman moved to recommit the bill to the committee on Revision, with instructions to strike out section 9.

Mr. Eddy moved to lay the bill on the table;

Which was decided in the negative—ayes 19, noes 25.

The ayes and noes were demanded by Senators Holloway and Longshore.

*Those who voted in the affirmative were,*

Senators Alexander, Berry, Brugh, Dawson, Eddy, Emerson, Hester, Hickman, James, Logan, Longshore, Marshall, Miller, Newland, Spann, Todd, Walker, Washburn, and Winstandley.

*Those who voted in the negative were,*

Senators Allen, Athon, Cravens, Davis, Delevan, Hanna, Hatfield, Henton, Hicks, Holloway, Kendall, Kinnard, Knowlton, Mickle, Milliken, Niblack, Reid, Saffer, Scobey, Secrest, Slack, Sleeth, Turman, and Witherow.

The question recurring on recommitting with instructions ;

A division of the question was called for :

The President having decided the question divisible,

The first question was on recommitting,

Which was decided in the affirmative. Ayes 27 ; noes 16.

The ayes and noes were demanded by Senators Holloway and Kendall.

*Those who voted in the affirmative were,*

Senators Allen, Berry, Brugh, Cravens, Defrees, Eddy, Emerson, Hanna, Henton, Hester, Hickman, Hicks, James, Logan, Longshore, Marshall, Miller, Newland, Niblack, Sleeth, Spann, Todd, Turman, Walker, Washburn, Winstandley, and Witherow.

*Those who voted in the negative were,*

Senators Alexander, Athon, Dawson, Delevan, Hatfield, Holloway, Kendall, Kinnard, Knowlton, Mickle, Milliken, Reid, Saffer, Scobey, Secrest, and Slack.

The question being, will the Senate adopt the instructions ?

It was decided in the affirmative. Ayes 24 ; noes 20.

The ayes and noes were demanded by Senators Holloway and Kendall.

*Those who voted in the affirmative were,*

Senators Allen, Athon, Berry, Brugh, Cravens, Davis, Defrees,

Emerson, Hester, Hickman, James, Logan, Longshore, Miller, Newland, Niblack, Slack, Sleeth, Spann, Todd, Turman, Walker, Washburn, and Winstandley.

*Those who voted in the negative were,*

Senators Alexander, Dawson, Delevan, Eddy, Hanna, Hatfield, Henton, Hickman, Holloway, Kendall, Kinnard, Knowlton, Marshall, Mickle, Milliken, Reid, Saffer, Scobey, Secrest, and Witherow.

Mr. Defrees offered the following additional instructions:

Strike out all after the words "fifty dollars" in the 3d section and insert, "all wines adulterated with a view to evade the law, shall be deemed strong liquors within the meaning of this act." Also insert after the word "minor" in the second line of the 4th section, the words "unless by consent of the parents or guardian of such minor."

Which was not adopted.

Mr. Turman moved to strike out the section added yesterday, relative to charges for license.

Which was adopted.

#### BILLS ON THEIR SECOND READING.

Senate bill No. 173. A bill for the benefit of Mary Page Reid;  
Was read a second time; when

On motion by Mr. Reid,

The bill was referred to a select committee.

Senate bill No. 172. A bill for the relief of Samuel H. Patterson, the lessee of the State Prison,

Was on its second reading, when,

On motion by Mr. Athon,

It was laid on the table.

House bill No. 191. A bill to amend the 3d section of an act entitled "an act to incorporate the White River Navigation Company," approved February 13, 1851, and to extend the rights and privileges of said company,

Was read a second time; when

Mr. Defrees moved to refer the bill to the committee on the Judiciary.

Mr. Alexander moved to lay the bill on the table;

Which motion prevailed.

House bill No. 258. A bill in relation to county treasurers,  
Was read a second time, and,

On motion by Mr. Hester,  
Referred to a select committee.

Senators Slack, Emerson, Newland, Saffer, Dawson and With-  
row were appointed said committee.

House bill No. 268. A bill to provide for the erection and repair  
of bridges,

Was read a second time and ordered to a third reading.

House bill No. 271. A bill giving validity to a certain class of  
contracts,

Was read a second time and ordered to be engrossed.

Senate bill No. 174. A bill to revise, simplify and abridge the  
rules, practice, pleadings and forms in criminal actions in the courts  
of this State,

Was on its second reading; when

Mr. Logan moved to refer the bill to the committee on  
Revision:

Which was not agreed to.

The bill was then read a second time, when

Mr. Hester moved to amend by striking out section 14;

Which was agreed to.

Mr. Hester moved to amend by striking out the word "eighteen,"  
in the 2d line of section 17;

Which motion prevailed.

Mr. Emerson moved to strike out the word "twelve," and insert  
the word "nine."

Which motion prevailed.

Mr. Hester moved to amend by adding at the end of section 18,  
the following:

"But other witnesses may afterwards be subpoenaed by the State,  
but unless the names of such witnesses be endorsed on the indictment,  
no continuance shall be granted to the State on account of the ab-  
sence of any witness whose name is not thus endorsed."

Which amendment was adopted.

Mr. Secrest moved to strike out of section 25, all after the word  
"information," in the first line of said section.

Which motion was decided in the affirmative;

Mr. Reid moved to amend section 50 by striking out all after the  
word "extent," in the third line, and inserting in lieu thereof, the  
words "specified therein."

Which motion prevailed.

Mr. Hanna moved to amend by striking out section 58;

Which motion prevailed.

Mr. Hester moved to amend by striking out the comma in the  
fourth line after the word "indictment," in section 61.

Which motion prevailed.



Mr. Hester moved to amend by striking out the second specification of section 62;

Which was agreed to.

Mr. Scobey moved to add to section 61, first specification, the following:

"Or by any other person permitted by the court."

Which motion was decided in the negative.

Mr. Hester moved to strike out section 66;

Which motion prevailed.

Mr. Hester moved to strike out section 70;

Which motion prevailed.

Mr. Slack moved to reconsider the vote just taken;

Which was not agreed to.

Mr. Hester moved to strike out sections 80, 81, 82, 83 and 84;

Which motion was agreed to.

Mr. Hester moved to strike out the words "or given part thereof," in the third line of section 98;

Which motion prevailed.

Mr. Slack moved to strike out of section 91 the following: "With the assent of the court," in the first line of said section.

Which motion did not prevail.

Mr. Secrest moved to amend as follows: "Strike out section 98;"

Which motion was agreed to.

Mr. Slack moved to amend by striking out section 99;

Which motion prevailed.

Mr. Emerson moved to strike out the 105th section;

Which motion was decided in the affirmative.

Mr. Reid moved to strike out section 109;

Which was agreed to.

Mr. Hester moved to strike out section 111;

Which motion prevailed.

Mr. Hester moved to strike out of section 111 the words "for a felony," in the first line; and all after the word "separately," in the second line.

Which motion prevailed.

Mr. Reid moved to strike out of section 113, after the word "offence," in the second line, all after the words, "or, &c.," to the words "the defendant," in the third line.

Which motion prevailed.

Mr. Hanna moved to amend section 118, by inserting after the word "themselves," in the second line, the words "nor suffer others to do so."

Which motion prevailed.

Mr. Miller moved to adjourn;

Which was not agreed to—ayes 16, noes 22.

The ayes and noes were demanded by Senators Hester, Milliken, Defrees, Allen and Walker.

*Those who voted in the affirmative were,*

Senators Alexander, Emerson, Henton, Holloway, Kinnard, Logan Longshore, Marshall, Newland, Niblack, Reid, Saffer, Secrest, Slack, Spann, Todd, Turman, and Witherow.

*Those who voted in the negative were,*

Senators Allen, Athon, Berry, Brugh, Dawson, Defrees, Delevan, Hanna, Hatfield, Hester, Hickman, Kendall, Knowlton, Mickle, Miller, Milliken, Scobey, Sleeth, Walker, and Washburn.

The following message was received from His Excellency, the Governor, by Mr. Noel:

**MR. PRESIDENT:**

I am directed by the Governor, to inform the Senate that he has this day approved and signed the following bills, viz:

No. 147. An act prescribing the manner of empanneling petit jurors, the number and compensation thereof.

No. 144. A joint resolution in relation to the Indiana Normal University for the education of females.

No. 145. An act to provide for electing electors for President and Vice President of the United States.

No. 148. An act touching the laying out and vacating towns, streets, alleys, public squares and grounds, or any part thereof; the making out and recording of plats of such towns; and providing for the change of the names of such towns.

No. 117. An act for the incorporation of manufacturing and mining companies, and companies for mechanical, chemical and building purposes.

Which bills originated in the Senate.

On motion by Mr. Secrest,  
The Senate adjourned.

FRIDAY MORNING, }  
May 21, 1852. }

Senate met.

The journal of yesterday was read.

PETITIONS AND MEMORIALS PRESENTED.

By Mr. Milliken,

The memorial of citizens of the county of Dearborn on the subject of Temperance;

Which,

On his motion,

Was referred to the committee on Temperance.

By Mr. Saffer:

The petition of citizens of the counties of Madison and Randolph, of like purport to the above.

Which,

On his motion,

Was referred to the same committee.

By Mr. Berry:

The petition of citizens of the State on the same subject;

Which,

On his motion,

Was referred to the same committee.

REPORTS SUBMITTED.

By Mr. Scobey from a select committee:

MR. PRESIDENT:

The select committee to whom was referred the subject of districting the State into judicial circuits, have had the same under consideration, and a majority have instructed me to report the accompanying bill, and recommend its passage:

The bill was read a first time and passed to a second reading.

By Mr. Eddy, from the joint committee on Revision:

MR. PRESIDENT:

The joint committee on Revision, to whom was referred the

subject matter, have authorized me to report the accompanying bill for the incorporation of cities;

The bill was read a first time and passed to a second reading.

On motion by Mr. Emerson,

The previous order of business was suspended, and the following message taken up:

Message from the House of Representatives by Mr. Sites, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that the House has passed the following engrossed bill of the Senate:

No. 64. A bill authorizing any company heretofore organized under the provisions of any general or special law of this State, for the purpose of constructing a plank, turnpike, gravel, McAdamized or coal road, to construct a railroad instead of such plank, turnpike, gravel, McAdamized or coal road, and prescribing the manner in which such change may be made;

With three engrossed amendments.

In which the concurrence of the Senate is respectfully requested.

The amendments were concurred in.

The order of business was resumed.

By Mr. Eddy, from the select committee on Swamp Lands:

MR. PRESIDENT:

The select committee on Swamp Lands, to whom was referred House bill No. 93, entitled "a bill to regulate the sale of swamp lands donated by the United States," have had the same under consideration, and have directed me to report it to the Senate and recommend its passage.

The accompanying bill was read a second time; when,

On motion by Mr. Eddy,

It was referred to a select committee of five.

Senators Eddy, Emerson, Secrest, Niblack and Kendall were appointed said committee.

By Mr. Niblack, from a select committee:

MR. PRESIDENT:

The select committee, to which was referred bill of the House No.

207, entitled "an act regarding the public works of the State," have had the same under consideration, and have made one amendment thereto, upon the adoption of which they recommend its passage:

Amend by striking out section 5, and inserting in lieu thereof the following:

SEC. 5. The Auditor of State is hereby authorized and required, by himself or agent, to expose to sale at such time, and in such manner as may be deemed most conducive to the interests of the State, all engineering and surveying instruments and apparatus, not otherwise legally disposed of, heretofore in use upon and connected with any of said public works; and to pay the proceeds thereof into the State Treasury.

The amendment was ordered to be engrossed, and the bill ordered to a third reading.

#### BILLS INTRODUCED.

By Mr. Defrees:

No. 177. A bill supplemental to an act concerning mortgages; approved May 4th, 1852;

Was read a first time, and passed to a second reading.

#### ORDERS OF THE DAY.

The consideration of Senate bill No. 174, which was pending at adjournment on yesterday, was resumed;

When,

Mr. Secrest moved to strike out the words "and costs," in section 134.

Which was agreed to.

Mr. Slack moved to amend by striking out section 144.

Which was agreed to.

Mr. Emerson moved to strike out section 146;

Which was decided in the affirmative.

Mr. Hanna moved to amend section 150 by adding thereto the following:

6. When the court has admitted illegal testimony, or for newly discovered evidence.

Which motion prevailed.

Mr. Reid moved to strike out the words "by lot or" in the 3d specification of section 150.

Which was agreed to.

Mr. Emerson moved to recommit the bill to the committee on Revision, with instructions to consult with the law commissioners; Which was agreed to.

Senate bill No. 178. A bill to establish courts of conciliation, to prescribe rules and proceedings therein, and compensation of judges thereof;

Was read a second time; and,

The question being, shall the bill be engrossed for a third reading?

It was decided in the affirmative—ayes 28, noes 14.

The ayes and noes were demanded by Senators Emerson and Secrest.

*Those who voted in the affirmative were,*

Senators Allen, Athon, Berry, Cravens, Davis, Defrees, Delevan, Eddy, Hatfield, Henton, Hester, Hickman, James, Kendall, Kinnard, Knowlton, Longshore, Mickle, Milliken, Newland, Reid, Saffer, Slack, Sleeth, Turman, Walker, Washburn, and Winstandley.

*Those who voted in the negative were,*

Senators Alexander, Brugh, Dawson, Emerson, Hanna, Hicks, Holloway, Logan, Miller, Niblack, Scobey, Secrest, Todd, and Witherow.

#### BILLS ON THEIR THIRD READING.

House bill No. 271. A bill giving validity to a certain class of contracts;

Was read a third time; when

On motion by Mr. Emerson,

It was recommitted to the committee on Revision.

House bill No. 268. A bill to provide for the erection and repair of bridges;

Was read a third time and passed. Ayes 38; noes 1.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Athon, Berry, Brugh, Cravens, Davis, Dawson, Defrees, Delevan, Eddy, Emersan, Hatfield, Henton, Hester, Hickman, Hicks, Holloway, James, Kinnard, Knowlton, Longshore, Mickle, Miller, Milliken, Niblack, Reid, Saffer, Scobey, Secrest, Slack, Sleeth, Todd, Turman, Walker, Washburn, Winstandley, and Witherow.

Senator Hanna voted in the negative.

On motion by Mr. Cravens,  
The Senate adjourned.

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2 o'clock, P. M.

The Senate met.

House bill No. 157. A bill for the relief of Samuel H. Patterson, and to reduce his rent as lessee of the penitentiary ;

Was read a third time, when

Mr. Hanna moved to recommit the bill with instructions to strike out from the enacting clause and insert a bill releasing Mr. Patterson from his contract with the State, and that if he accepts such release, he shall thereupon surrender up the possession of the property of the State, and control of the convicts which he holds by virtue of said contract, and provide for the reletting, or further disposition of the penitentiary.

A division of the question was called for.

The President having decided the question divisible,

The first question was, will the Senate recommit the bill?

Which was decided in the negative.

The question then being, shall the bill pass?

It failed for the want of a constitutional majority—ayes 24, noes 15.

*Those who voted in the affirmative were,*

Senators Alexander, Athon, Brugh, Cravens, Davis, Delevan, Eddy, Henton, Hester, Hickman, Hicks, Holloway, Kendall, Knowlton, Longshore, Marshall, Newland, Niblack, Saffier, Slack, Spann, Todd, Winstandley, and Witherow.

*Those who voted in the negative were,*

Senators Allen, Berry, Dawson, Emerson, Hanna, Hatfield, James, Kinnard, Mickle, Milliken, Scobey, Secrest, Sleeth, Walker, and Washburn.

## BILLS ON THEIR SECOND READING.

House bill No. 195. A bill dividing the State into counties and defining the boundaries thereof, and defining the jurisdiction of such as border on the Ohio and Wabash rivers;

Was read a second time; when,

Mr. Brugh moved to amend as follows:

Amend section 8, by striking out "north-west" in the 4th line, and inserting "north-east."

Also, strike out the "south-west" in the same section and 15th line and insert "south-east."

Which was agreed to.

Mr. Winstandley moved to amend by striking out of the 23d all after the words "to act" in the 3d line, to and including the word "line" in the 7th line, and inserting the following:

"Beginning on the Ohio river where the range line dividing fractional section seven, in township four south, range six east, and section twelve in township four south, range five east strikes the same, thence north with said range line to the south east corner of section one, in township four south, range five east, thence."

Which was agreed to.

Mr. Winstandley moved to amend section 31 as follows:

Strike out the words "thence to the Ohio river" in the 3d line from the end of the section, and insert "thence east to the range line dividing fractional sections seven, in township four south, range six east, and section twelve, in township four south, range five east, thence south with the range line to the Ohio river."

Which motion prevailed.

Mr. Slack moved to amend section 34 as follows:

Strike out all after the word "east" in the ninth line and insert the following—

"Thence west to the south-west corner of section thirteen in township twenty-three, north of range one east, thence north to the north-west corner of section one, township twenty-four, north of range six east, thence south to the south-east corner of section 29, in township twenty-three, north of range six east, thence west to the place of beginning."

Which was adopted.

Mr. Brugh moved to adjourn.

Which was not agreed to.

Message from the House of Representatives, by Mr. Sites, their Clerk:



MR. PRESIDENT:

I am directed by the House to inform the Senate that the Speaker has signed the following enrolled bills thereof:

Nos. 139, 224, 237, 249, 202, 238, 264, and 233;

Which I am directed to bring to the Senate for the signature of the President thereof.

On motion by Mr. Dawson,

The Senate adjourned.

SATURDAY MORNING, }  
May 22d, 1852. }

The Senate met.

The journal of yesterday was read.

Mr. Reid, from a select committee, submitted the following report:

MR. PRESIDENT:

The select committee to whom was referred bill of the Senate No. 173, for the benefit of Mary Page Reid, have had the same under consideration, and examined the legal and constitutional questions therein involved, and are satisfied that the said bill does not conflict therewith; therefore, they recommend its passage.

Which was concurred in, and the bill ordered to be engrossed for a third reading.

#### RESOLUTIONS OFFERED.

By Mr. Miller:

*Resolved*, That the Senate will, the House concurring therein, adjourn *sine die*, on the 10th day of June next.

Mr. Spann moved to amend the resolution by adding the following proviso:

*Provided*, That the business of the session shall by that time be completed.

Mr. Hester moved to lay the resolution and amendment on the table;

Which was decided in the affirmative. Ayes 27; noes 15.

The ayes and noes were demanded by Senators Miller and Newland.

*Those who voted in the affirmative were,*

Senators Allen, Berry, Brugh, Davis, Delevan, Eddy, Emerson, Henton, Hester, Hickman, Hicks, James, Kinnard, Logan, Longshore, Marshall, Mickle, Niblack, Saffer, Secrest, Slack, Spann, Todd, Turman, Walker, Washburn, and Witherow.

*Those who voted in the negative were,*

Senators Alexander, Athon, Cravens, Dawson, Defrees, Hanna, Hatfield, Holloway, Knowlton, Miller, Milliken, Newland, Scobey, Sleeth, and Winstandley.

By Mr. Todd:

**WHEREAS**, The mournful intelligence of the death of Mrs. Wright, the late amiable lady of the Governor, has reached this body: therefore,

*Resolved*, That the Senate tender to the Governor their sympathies and condolence in this his hour of affliction and bereavement.

*Resolved*, That as a further respect to him and to the virtues and worth of the deceased, the Senate will attend the funeral services of the late Mrs. Wright, in a body; and that the President appoint a committee on the part of the Senate to make arrangements therefor.

*Resolved*, That the House of Representatives be respectfully asked to concur in these resolutions, and that the Secretary of the Senate present a copy of the same to the Governor.

*Resolved*, That as a further mark of respect, when the Senate adjourn, it will adjourn until Monday morning at half past 8 o'clock.

Which resolutions were unanimously adopted.

Senators Todd, Saffer, Eddy, Holloway, and Defrees, were appointed said committee.

Mr. Milliken moved to take from the table the resolution authorizing the Secretary of State to employ additional enrolling clerks.

Which was agreed to.

On motion by Mr. Emerson,

The resolution was referred to a select committee.

Senators Emerson, Hester, and Saffer, were appointed said committee.

On motion by Mr. Athon,

The order of business was suspended.

Mr. Athon, from the committee on the State Prison, submitted the following report:

MR. PRESIDENT:

The standing committee on the State prison, to whom was referred House bill relative to the relief of Samuel H. Patterson, lessee of said prison, have had the same under consideration, and having reported the same back with a recommendation to strike out from the enacting clause, and insert what now constitutes the body of the bill on its passage, beg leave to report that they were governed in their opinion by petitions from sundry citizens from Clark and Floyd counties, praying for the relief of said lessee. These petitions were backed in their assertions by affidavits of officers connected with the prison, affirming the amount of losses sustained by the small pox and cholera which prevailed among the inmates of the prison. The lessee was not only deprived of the services by death of about thirty hands, but the epidemic extended itself so as to produce an entire suspension of his business for several months. Your committee believe that twenty thousand dollars would not more than remunerate for the time lost by the above named epidemics; and your committee further desire to say that they believe it but an act of justice to the lessee, that he should be relieved from the payment to the State of an equal amount.

Besides the above enumerated cases of losses, the lessee has sustained a loss by fire to the amount of about thirty thousand dollars, all of which has been ascertained by the proper officers and individuals connected with the State prison. And your committee beg leave that this report accompany the affidavits now on file with the bill.

Mr. Athon moved to take from the table House bill No. 157, a bill for the relief of Samuel H. Patterson, and to reduce his rent as lessee of the penitentiary.

Which was agreed to.

Mr. Berry moved to refer the bill to a select committee, with the following instructions:

Enquire into and report to the Senate, the rights of the parties affected by the bill, the amount necessary to rebuild that part of the State Prison, recently destroyed by fire, and what reason there is, if any, that the State should release the lessee from the payment of over twenty thousand dollars of his rent over and above the expenditure contemplated by this bill? And what reason, if any there be, why the State should make good the misfortune in business of one citizen, whilst other unfortunate citizens are not provided for by

similar means? And how far the contract between the State and the Lessee has been complied with? And the propriety of permitting the Lessee to rescind his contract if he considers it profitable to him?

Mr. Hanna moved further to instruct the committee to inquire whether the Legislature has the power under the 24th section of the constitution to enact this law.

A division of the question was called for.

The President having decided the question divisible;

The first question was, will the Senate recommit the bill?

Which was decided in the negative—ayes 17, noes 24.

The ayes and noes were demanded by Senators Berry and Miller.

*Those who voted in the affirmative were,*

Senators Allen, Berry, Brugh, Dawson, Emerson, Hanna, Hicks, James, Kinnard, Mickle, Miller, Milliken, Secrest, Sleeth, Turman, Walker, and Washburn.

*Those who voted in the negative were,*

Senators Alexander, Athon, Cravens, Davis, Defrees, Delevan, Eddy, Hatfield, Hester, Hickman, Holloway, Kendall, Knowlton, Longshore, Marshall, Newland, Niblack, Reid, Saffier, Scobey, Slack, Todd, Winstandley and Witherow.

Mr. Berry moved to amend as follows:

Add an additional section—

SEC. —. Before the Lessee shall have the benefit of this act he shall file in writing in the office of the Auditor of State a release of all claims against the State accruing from his contract as such lessee or other contracts since entered into between him and the State.

Which was unanimously adopted.

The question then being, shall the bill pass?

It was decided in the affirmative; ayes 29, noes 12.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Athon, Brugh, Cravens, Davis, Defrees, Delevan, Eddy, Henton, Hester, Hickman, Hicks, Holloway, James, Kendall, Kinnard, Knowlton, Longshore, Marshall, Newland, Niblack, Reid, Saffier, Slack, Todd, Turman, Winstandley, and Witherow.

*Those who voted in the negative were,*

Senators Berry, Dawson, Emerson, Hanna, Hatfield, Mickle, Milliken Scobey, Secrest, Sleeth, Walker, and Washburn.

Mr. Reid introduced,

No. 179. A bill for districting the State into judicial circuits;  
Which was read a first time and passed to a second reading.

#### ORDERS OF THE DAY.

The consideration of House bill No. 195. A bill dividing the State into counties, defining the boundaries thereof, and defining the jurisdiction of counties bordering on the Ohio and Wabash rivers;  
Was resumed; when,

On motion by Mr. Niblack,

The vote on the adoption of the amendment proposed by Mr. Brugh, on yesterday, was reconsidered.

Mr. Brugh moved to refer the bill and pending amendment to a select committee.

Which was decided in the negative.

The question then being on the adoption of the amendment;

It was decided in the negative. Ayes 8; noes 24.

The ayes and noes were demanded by Senators Brugh and Emerson.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Athon, Brugh, Emerson, Hester, Washburn, and Winstandley.

*Those who voted in the negative were,*

Senators Davis, Dawson, Defrees, Delevan, Hatfield, Henton, Hickman, Hicks, Holloway, James, Kinnard, Knowlton, Longshore, Marshall, Mickle, Miller, Newland, Niblack, Reid, Saffer, Scobey, Secrest, Sleeth, and Winstandley.

No quorum voting.

Mr. Hanna moved to adjourn.

Which was not agreed to.

Mr. Knowlton moved a call of the Senate;

Which was not ordered.

On motion by Mr. Athon,

The Senate adjourned.

MONDAY MORNING, }  
May 24, 1852. }

The Senate met.

The journal of Saturday was read.

#### REPORTS SUBMITTED.

By Mr. Hester, from the joint select committee on Revision:

MR. PRESIDENT:

The joint select committee on Revision, to whom was referred Senate bill No. 174, have had the same under consideration, and have directed me to report it back with the following amendments, and when so amended they recommend its passage, and ask to be discharged from the further consideration thereof:

Amend section 51 by adding at the end thereof the following: "unless remitted by the court for cause shown."

Insert in place of section 58, page 10, the following:

SEC. —. In an indictment for offences committed in relation, it is sufficient to state the names of any one or more of several or joint owners.

Insert after section 104, page 19:

SEC. —. If a defendant be indicted by a wrong name, unless he declare his true name before pleading, he shall be proceeded against by the name in the indictment.

SEC. —. If he allege that another name is his true name, it must be entered in the minutes of the court, and the subsequent proceeding had against him by that name, referring also to the name by which he is indicted.

Insert after section 79, page 14:

SEC. —. When the affidavit is founded upon excitement or prejudice in the county against the defendant, the court may, in its discretion, grant a change of venue to the most convenient adjoining county; the clerk must thereupon make out a transcript of the proceedings and order of court, and having sealed up the same with the original papers, deliver them to the sheriff who must without delay deposit them in the clerk's office of the proper court, and make his return accordingly.

SEC. —. The jurisdiction of the latter court is complete, and the case must be docketed and stand for trial at the first term.

Insert after section 97, page 18:

SEC. —. The confession of a defendant made under inducements, with all the circumstances, may be given in evidence against him, except when made under the influence of fear, produced by threats; but a confession made under inducement is not sufficient to warrant a conviction without corroborating testimony.

Mr. Emerson moved to amend the amendment by striking out the words "may in its discretion," and inserting the word "shall."

Which was agreed to.

The amendments of the committee were then adopted, and the bill ordered to a third reading.

By Mr. Emerson, from a select committee:

MR. PRESIDENT:

The select committee to whom was referred House bill No. 93, entitled "A bill to regulate the sale of swamp lands donated by the United States to the State of Indiana, and to provide for the draining and reclaiming thereof in accordance with the conditions of said grant, have had the same under consideration, and have made two amendments thereto, and when said amendments are adopted, they recommend the passage of said bill.

Add to section 58 the following:

"*Provided*, That before any such work on the lands of any such person, shall be commenced, it shall be the duty of the commissioner to obtain from the owner or owners of said lands, a release to the State of all damages that may accrue to such persons, in consequence of said improvement, and for that purpose the said commissioner is hereby authorized to pay such persons their reasonable compensation therefor, by giving his certificate, as in other cases provided in this act; which certificate shall be paid by the Auditor and Treasurer of State the same as in other cases provided in the act for the payment of moneys from the swamp land fund.

SEC. 47. *Provided further*, That in all cases contemplated in this section, if the holder of the certificate of entry at any land office, shall present to the auditor and treasurer of the county in which the land shall be situate, a certificate signed by the Auditor of State certifying therein that the money has been paid into the State Treasury in payment of the land mentioned in said certificate, it shall be their duty to enter the same on their books as sold to said holder, and certificates of purchase to issue as if the money had been paid into the office of the county treasurer, and in all such cases no other evidence shall be required.

The amendments of the committee were concurred in and ordered to be engrossed, and the bill ordered to a third reading.

Mr. Slack moved to take from the table Senate bill No. 23;

Which was agreed to.

On motion by Mr. Winstandley,  
A call of the Senate was ordered.

On motion by Mr. Hester,  
Mr. Milliken was excused.

On motion by Mr. Allen,  
Mr. Cravens was excused on account of sickness in his family.

Mr. Hatfield moved to excuse Mr. Delevan ;

Which motion prevailed.

On motion by Mr. Slack,  
Mr. Todd was excused.

On motion by Mr. Scobey,  
Mr. Secrest was excused.

Mr. Miller moved to excuse Mr. Logan ;

Which was not agreed to.

On motion by Mr. Slack,

The call was suspended.

Senators Hicks, Hunt, Kendall, Logan, Marshall, Odell and Spann were absent.

The question then being, shall the bill pass ;

It failed for want of a constitutional majority. Ayes 19 ; noes 15.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Defrees, Eddy, Henton, Hester, Hickman, Holloway, James, Kinnard, Knowlton, Longshore, Mickle, Saffer, Scobey, Slack, Turman, Washburn, and Witherow.

*Those who voted in the negative were,*

Senators Athon, Berry, Brugh, Davis, Dawson, Emerson, Hanna, Hatfield, Miller, Newland, Niblack, Reid, Sleeth, Walker, and Winstandley.

#### ORDERS OF THE DAY.

#### *Bills on their Third Reading.*

Mr. Emerson moved to suspend the or'ler of business ;  
Which was agreed to.

On motion by Mr. Emerson,

The following message from the House of Representatives was taken up :



**MR. PRESIDENT :**

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bills of the Senate:

No. 59, "an act authorizing the boards doing county business to declare water courses navigable;"

No. 120, "a bill prescribing who may make a will, the effect thereof, what may be devised, regulating the revocation, admission to probate and contest thereof;"

No. 141, "a bill to provide for the election and prescribing certain duties of recorders;"

With sundry engrossed amendments.

In which the concurrence of the Senate is respectfully requested.

Also, the House has passed, without amendment,

Engrossed joint resolution of the Senate No. 111, "a joint resolution in relation to declaring the bridge over the Ohio river, at Wheeling, Virginia, a post route.

The amendments of the House to the accompanying bills were concurred in.

Also, the following message was received from the House of Representatives by Mr. Sites, their clerk :

**MR. PRESIDENT :**

I am directed by the House of Representatives to inform the Senate that the House has concurred in the 10th engrossed amendment of the Senate to engrossed bill of the House No. 199, "an act providing for the election and qualification of justices of the peace and defining their jurisdiction, powers and duties in civil cases," and refuse to concur in the 1st, 2d, 4th, 5th, 6th, 7th, 8th, and 9th engrossed amendments; also, concur in the 3d engrossed amendment of the Senate with an amendment.

In which the concurrence of the Senate is respectfully requested.

Mr. Hester moved to lay the message on the table;

Which motion prevailed.

Also, the following message from the House of Representatives, by Mr. Sites, their clerk :

**MR. PRESIDENT :**

I am directed by the House of Representatives to inform the Senate that the House insists on their amendments to Senate bill No. 138, "a bill providing for the election of clerks of circuit courts, and prescribing some of their duties," and have appointed Messrs. Nelson and Brady a committee of Free Conference on the part of this House.

Also, the House insists upon its engrossed amendments to Senate bill No. 152, "a bill prescribing certain misdemeanors punishable only by justices of the peace," and have appointed Messrs. Suit and Stover a committee of Free Conference on the part of the House.

Also, the House insists upon its engrossed amendment to bill of the Senate No. 139, "a bill to provide for the election of county sheriffs, and prescribing some of their duties."

Also, that the House recedes from its engrossed amendments to bill of the Senate No. 135, "a bill to regulate the toll of grist mills, and prescribing certain duties of millers."

Mr. Emerson moved that the Senate insist on the amendments.

Which was agreed to; and,

Senators Emerson and Hester were appointed a committee of Free Conference on the part of the Senate.

Mr. Defrees from a joint select committee submitted the following report.

MR. PRESIDENT:

The committee appointed by a joint resolution of both Houses of the General Assembly to make arrangements to attend the funeral of the late Mrs. Wright, report the following:

Both bodies of the General Assembly will meet at the Governor's residence at half past 12 o'clock to day, and accompany the corpse of the deceased in procession to the Terre Haute depot.

Messrs. Eddy and Holloway are appointed pall bearers on the part of the Senate, and Messrs. Holladay, Brady, Nelson and Hudson on the part of the House;

Which was concurred in.

The consideration of the question pending at adjournment on Saturday, being the adoption of the amendment proposed by Mr. Brugh to House bill No. 195, was resumed.

On motion by Mr. Longshore,

A call of the Senate was ordered.

On motion,

The absentees were sent for.

The question being on the adoption of the amendment;

It was decided in the negative—ayes 7, noes 27.

The ayes and noes were demanded by Senators Emerson and Brugh.

*Those who voted in the affirmative were,*

Senators Alexander, Athon, Brugh, Emerson, Scobey, Washburn, and Winstandley.

*Those who voted in the negative were,*

Senators Allen, Berry, Davis, Dawson, Defrees, Eddy, Hanna, Hatfield, Henton, Hester, Hickman, Holloway, James, Kinnard, Knowlton, Longshore, Mickle, Miller, Newland, Niblack, Reid, Saffier, Slack, Sleeth, Turman, Walker, and Witherow.

On motion by Mr. Hester,

The order of business was suspended.

Mr. Hester then moved to take up House bill No. 199;

Which was agreed to.

On motion by Mr. Hester,

The amendment of the House to the amendment of the Senate was concurred in.

Mr. Hester then moved that the Senate insist on Senate amendment to said bill;

Which was agreed to.

And Senators Hester and Emerson appointed a committee of free conference to act with a similar committee on the part of the Senate.

The following message was received from the House of Representatives by Mr. Sites their clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House insists on its disagreement to engrossed amendments of the Senate, to engrossed bill of the House No. 199, an act providing for the election and qualification of justices of the peace, &c., and has appointed Messrs. Buskirk and Gibson a committee of free conference on the part of the House, to act with a similar committee on the part of the Senate.

In which the concurrence of the Senate is respectfully requested.

House bill No. 195 was ordered to a third reading.

#### BILLS ON SECOND READING.

House bill No. 207. A bill regarding the public works of the State;

Was read a third time, and

The question being, shall the bill pass?

It was decided in the affirmative—ayes 26, noes 9.

*Those who voted in the affirmative were,*

Senators Alexander, Brugh, Davis, Defrees, Eddy, Emerson, Henton, Hester, Hickman, Holloway, Hunt, James, Kinnard, Logan, Longshore, Mickle, Miller, Newland, Niblack, Reid, Slack, Turman, Walker, Washburn, and Winstandley.

*Those who voted in the negative were,*

Senators Allen, Athon, Dawson, Hatfield, Knowlton, Saffer, Scobey, Sleeth, and Witherow.

Senate bill No. 173. A bill for the benefit of Mary Page Reid; Was read a third time, and,  
The question being, shall the bill pass?  
It was decided in the affirmative. Ayes 29; noes 5.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Athon, Brugh, Dawson, Defrees, Eddy, Hatfield, Henton, Hester, Hickman, Holloway, Hunt, James, Kinnard, Knowlton, Logan, Mickle, Miller, Newland, Niblack, Reid, Saffer, Scobey, Slack, Sleeth, Turman, Walker, and Washburn.

*Those who voted in the negative were,*

Senators Berry, Davis, Emerson, Winstandley, and Witherow.

Senate bill No. 176. An act for the incorporation of cities; Was read a second time; when,  
Mr. Winstandley moved to strike out "one" in section — and insert "two."

Which was agreed to.

Mr. Eddy moved to amend by striking out the words "three aldermen," and inserting the words "five councilmen."

Which motion prevailed.

Mr. Winstandley moved to amend as follows:

Strike out section —, and insert in lieu thereof—

SEC. —. When the owners of two-thirds of the whole length of the line of the lots bordering on any street or alley in any city, or a part of any such street or alley not less than one whole square between any two streets crossing the same, and measuring only the front line of such lots as belong to owners resident in such city, shall petition the mayor and council to have the side walks graded and paved, or for either kind of improvement, or all together, as herein specified, the said mayor and council shall cause the same to

be done by contract given to the best bidder, after advertising to receive proposals therefor.

SEC. —. In all contracts specified in the last preceding section the cost thereof shall be estimated according to the whole length of the street or alley to be improved per running foot, and the city shall be liable to the contractor for so much thereof only as is occupied by streets or alleys crossing the same, or by public grounds of the city bordering thereon, and the owners of the lots bordering on such streets, or alleys to be improved, shall be liable to the contractor for their proportion of the cost in proportion to the length of the line of the lots bordering thereon, and owned by them.

SEC. —. When any such contract shall be made, and shall be in progress of fulfillment, the mayor and council shall have power to cause estimates to be made from time to time, of the amount of work done by the contractor, and to require such amount to be paid to him, deducting a reasonable per centage to secure the completion of the contract, until the whole shall be finished by the owners of the lots bordering on the street or alley to be improved, in the proportion specified in the next preceding section.

SEC. —. In case any of the owners of lots shall fail or refuse to pay the amount due by them to such contractor upon any such estimate, as provided for in the next preceding section, said mayor and council shall, at the request of the contractor, issue their warrant to the city collector to collect the same for the use of such contractor, and such collector shall thereupon proceed to collect such amount in the same manner as is prescribed in the — and — sections of this act for the collection of taxes, and for this purpose he shall have the same powers and authority as are therein given.

Which was decided in the negative. Ayes 17; noes 17.

The ayes and noes were demanded by Senators Emerson and Eddy.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Athon, Berry, Brugh, Emerson, Hanna, Hatfield, Hester, James, Miller, Newland, Scobey, Sleeth, Turman, Walker, and Winstandley.

*Those who voted in the negative were,*

Senators Dawson, Defrees, Eddy, Henton, Hickman, Holloway, Hunt, Kinnard, Knowlton, Logan, Longshore, Mickle, Niblack, Reid, Saffer, Washburn, and Witherow.

On motion by Mr. Winstandley,  
The bill was laid on the table.

Mr. Reid moved to reconsider the vote on the passage of House bill No. 254. A bill fixing the per diem and mileage of members of the General Assembly;

Which was agreed to.

Mr. Berry moved to recommit the bill with the following instructions:

Strike out of the third line the words "in session" and insert in lieu thereof the words "in actual attendance, or absent on business connected with their duties as such members, or inability to attend from sickness."

Which motion prevailed.

On motion by Mr. Holloway,  
The Senate adjourned.

2 o'clock, P. M.

The Senate met.

Senate bill No. 175. A bill to district the State into judicial circuits;

Was read a second time, when

Mr. Slack offered the following amendment:

Strike Allen county from the 8th district, and attach it to the 9th.

Mr. Slack then moved to refer the bill and pending amendment to a select committee.

Mr. Alexander moved to lay the bill on the table;

Which motion prevailed.

Senate bill No. 179. A bill districting the State for judicial circuits,

Was on its second reading; when

Mr. Reid moved to refer the bill to a committee of one from each congressional district.

Mr. Berry moved to refer the bill to the committee on the Judiciary;

Which motion did not prevail.

The question then being, will the Senate refer the bill to a select committee?

It was decided in the affirmative.

On motion by Mr. Sleeth,

Senate bill No. 173 was taken from the table.

Mr. Sleeth moved to refer the bill to the select committee on Senate bill No. 179;

Which was agreed to.

Senate bill No. 177. A bill supplemental to "an act concerning mortgages," approved May 4th, 1852,  
 Was on its second reading; when,  
 On motion by Mr. Defrees,  
 The bill was referred to the committee on Revision.

Message from the House of Representatives, by Mr. Sites, their Clerk:

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bills thereof:  
 No. 272. An act to repeal an act entitled "an act to annex the town of Belleville, in the county of Posey, to the town of Mount Vernon," approved February 4th, 1851.

No. 279. A bill to require certain officers to execute further official bonds, and to take an additional oath of office.

No. 263. An act to regulate the hours of manual labor.

In which the concurrence of the Senate is respectfully requested.

The accompanying bills were read a first time, and passed to a second reading.

The following message was received from the House of Representatives, by Mr. Sites, their Clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof:

No. 155. An act regulating the taking up and impounding of animals.

In which the concurrence of the Senate is respectfully requested.

The accompanying bill was read a first time and passed to a second reading.

Also, the following message was received from the House of Representatives, by Mr. Sites, their Clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof:

No. 137. A bill to provide for a general and uniform system of common schools, and school libraries, and matters properly connected therewith.

In which the concurrence of the Senate is respectfully requested.  
The accompanying bill was read the first time and passed to a second reading.

On motion by Mr. Eddy,  
The Senate adjourned.

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TUESDAY MORNING, }  
May 25th, 1852. }

The Senate met.

The journal of yesterday was read.

The President announced Senators Niblack, Athon, Hester, Berry, Witherow, Hanna, Allen, Walker, Dawson and Slack, the select committee on Senate bills Nos. 173 and 179.

#### REPORTS SUBMITTED.

By Mr. Hester, from the select committee on Revision:

MR. PRESIDENT:

The committee on Revision, to whom was referred House bill No. 271, have had the same under consideration, and have directed me to report it back, and recommend that it be laid on the table, and they ask to be discharged from the further consideration thereof.  
Which was concurred in.

By Mr. Hester, from the same committee:

MR. PRESIDENT:

The joint select committee on Revision, to whom was referred House bill No. 168, have had the same under consideration, and have directed me to report it back and recommend that it be laid on the table, and they ask to be discharged from the further consideration thereof.



Which was concurred in.

By Mr. Hester, from the same committee :

**MR. PRESIDENT :**

The committee on Revision, to whom was referred Senate bill No. 177, have had the same under consideration, and a majority have instructed me to report it back, and recommend that it be laid on the table, and they ask to be discharged from the further consideration thereof.

Which was concurred in.

By Mr. Hester, from the same committee :

**MR. PRESIDENT :**

The committee on Revision, to whom was referred House bill No. 80, have had the same under consideration, and have directed me to report the same back, and recommend that it be amended by striking out from section 14 to 21, inclusive, and also sections 11, 31, 44, 47, 51 and 152, and so amended recommend its passage.

Which was concurred in, and the amendments ordered to be engrossed and the bill ordered to a third reading.

By Mr. Hester, from the same committee :

**MR. PRESIDENT :**

The select committee on Revision, to whom was referred House bill No. 258, have had the same under consideration, and a majority thereof have instructed me to report it back with two amendments, which they recommend to be adopted, and when so adopted they recommend the passage of the bill, and they ask to be discharged from the further consideration thereof.

1. Strike out the words "at the," in the 4th line of section 1, and insert in lieu thereof the words "on the second Monday in June after the."

2. Strike out of section 10, from the word "taxes," to the word "without" in the 8th line.

On motion by Mr. Hester,  
The bill and pending amendments were laid on the table.  
By Mr. Hester, from a select committee :

**MR. PRESIDENT :**

The select committee to whom was referred House bill No. 200,

and the amendments of the Senate, have had the same under consideration, and a majority thereof have directed me to report it back and recommend its passage, and they ask to be discharged from the further consideration thereof.

The question being, shall the bill pass?

It was decided in the affirmative. Ayes 35; noes 7.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Athon, Berry, Brugh, Davis, Dawson, Defrees, Delevan, Eddy, Goodman, Hatfield, Henton, Hester, Hickman, Hicks, Holloway, Hunt, James, Kinnard, Knowlton, Logan, Longshore, Mickle, Miller, Newland, Reid, Saffer, Scobey, Slack, Todd, Walker, Washburn, Winstandley, and Witherow.

*Those who voted in the negative were,*

Senators Hanna, Marshall, Niblack, Secrest, Sleeth, Spann and Turman.

#### RESOLUTIONS OFFERED.

By Mr. Niblack:

*Resolved*, That the committee on the affairs of the town of Indianapolis be instructed to enquire into the expediency of repealing the city charter of said town, and to report by bill or otherwise.

Which was adopted.

By Mr. Holloway:

*Resolved*, That the Auditor of State be requested to communicate to the Senate why 31 counties of this State were taxed in 1847, for 93,617 acres of land less than the same counties were taxed for in 1846, while the other counties were taxed for 214,859 acres more in 1847 than in 1846; also, why fifty counties decreased in the value of their lands from 1842 to 1847 from ten to fifty per cent., while during the same time, the other counties advanced from five to twenty-five per cent. as is shown by the Auditor's report of 1847.

*Resolved further*, That if said Auditor be of opinion that the lands in the several counties are unequally assessed, he be requested to suggest some method to remedy the injustice complained of.

Which was adopted.

## ORDERS OF THE DAY.

*Bills on their Third reading.*

Senate bill No. 174. A bill to revise, simplify and abridge the rules, practice, pleadings and forms in criminal actions in the courts in this State ;

Was read a third time ; and,

The question being, shall the bill pass?

It was decided in the affirmative. Ayes 30; noes 11.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Berry, Dawson, Delevan, Eddy, Emerson, Goodman, Hatfield, Henton, Hester, Hickman, Hicks, Hunt, Kinnard, Knowlton, Longshore, Mickle, Miller, Newland, Reid, Saffer, Slack, Sleeth, Spann, Todd, Walker, Washburn, and Winstandley.

*Those who voted in the negative were,*

Senators Athon, Holloway, James, Kendall, Logan, Marshall, Niblack, Scobey, Secrest, Turman, and Witherow.

Mr. Niblack moved to adjourn ;

Which motion did not prevail.

Senate bill No. 178. A bill to establish courts of conciliation, to prescribe rules and proceedings therein, and compensation of judges thereof ;

Was read a third time, when

Mr. Berry offered the following amendment :

In the 13th section, 2d line, strike out "seven" and insert "six."

Which was unanimously adopted.

Mr. Hester moved to strike out section 10.

Mr. Niblack moved to recommit the bill to the committee on Revision, with instructions to strike out section 10.

Mr. Mickle moved to lay the bill on the table ;

Which motion did not prevail.

The question then recurring on recommitting the bill with instructions ;

A division of the question being called for.

And the President having decided the question divisible,

The first question was, will the Senate recommit?

Which was decided in the affirmative.

The question being on the adoption of the instructions,

It was decided in the negative.

On motion by Mr. Hester,

The order of business was suspended, when  
On his motion,

House bill No. 262. A bill defining who are persons of unsound minds, authorizing the appointment of guardians of such persons;

Was taken from the table, when

Mr. Hester offered the following amendment:

Add after section 3, the following proviso:

*"Provided, That if such insane person is a pauper, he shall be provided for under the laws regulating the relief of the poor; but if such person being a pauper shall be dangerous, if permitted to run at large, he shall be provided for under the regulations prescribed in section 12 of this act."*

Which was unanimously adopted.

The question then being, shall the bill pass?

It was decided in the affirmative. Ayes 39; noes 1.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Athon, Berry, Brugh, Dawson, Defrees, Delevan, Emerson, Goodman, Hatfield, Henton, Hester, Hickman, Hicks, Holloway, Hunt, James, Kendall, Kinnard, Knowlton, Logan, Longshore, Mickle, Miller, Newland, Niblack, Reid, Saffer, Secrest, Slack, Sleeth, Spann, Todd, Turman, Walker, Washburn, Winstandley and Witherow.

Senator Marshall, voted in the negative.

House bill No. 93. A bill to regulate the sale of swamp land donated by the United States to the State of Indiana and to provide for the draining and reclaiming thereof, in accordance with the conditions of said grant;

Was read a third time; when,

Mr. Dawson offered the following amendment;

Amend section 5th by striking out all after the word "subdivisions" in the 9th line, to the word "section" in the 10th line, and insert the following:

*"And as near as practicable in half quarter sections."*

Which was unanimously adopted.

Mr. Defrees moved to amend as follows:

Add to section 47, the following proviso:

*Provided, also, that nothing contained in this act shall be so construed as to prohibit the several receivers and registers from receiving the fee allowed them for their services, as contemplated in the "act to provide for defraying the expenses of the overflowed and swamp lands in the State of Indiana, and for other purposes;" approved February 14, 1851.*

Which was not agreed to.

Mr. Washburn offered the following amendment :

After the word "damages," add the following: "or receive contributions and collect the same according to contract to be entered into, in the premises, between the parties."

Which was unanimously adopted.

And the question being, shall the bill pass?

It was decided in the affirmative. Ayes 31; noes 12.

*Those who voted in the affirmative were,*

Senators Alexander, Brugh, Dawson, Defrees, Delevan, Eddy, Emerson, Goodman, Henton, Hester, Hickman, Hicks, Hunt, James, Kendall, Kinnard, Longshore, Marshall, Mickle, Miller, Newland, Niblack, Reid, Saffer, Slack, Sleeth, Spann, Todd, Walker, Washburn, and Winstandley.

*Those who voted in the negative were,*

Senators Allen, Athon, Berry, Davis, Hanna, Hatfield, Knowlton, Logan, Scobey, Secrest, Turman, and Witherow.

The following message was received from the House of Representatives, by Mr. Sites, their Clerk:

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bills of the Senate:

No. 150. A bill to repeal an act entitled "An act for the relief of Michael Grannin, Jr., late of Daviess county," approved February 13, 1851.

No. 157. An act authorizing the appointment, and prescribing the powers of commissioners in other States, to take acknowledgments of deeds, and other instruments and depositions.

No. 158. An act declaring the law governing this State.

No. 160. An act touching the marriage relation, and liabilities incident thereto.

No. 161. An act declaring certain persons privileged from arrest on civil process.

Without amendment.

Also, the following message was received from the House of Representatives by Mr. Sites their clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has concurred in the engrossed amendment of the Senate to engrossed amendment of the House to engrossed bill of the Senate No. 141, a bill to provide for the election, and prescribing certain duties of recorders.

Also the following message was received from the House of Representatives, by Mr. Sites, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has concurred in the engrossed amendments of the Senate to engrossed bill of the House No. 157, "an act for the relief of Samuel H. Patterson, and to reduce his rent as lessee of the Penitentiary."

Also, the following message from the House of Representatives:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the Speaker has signed the following enrolled bills thereof: Nos. 221, 225, 228, 242, 251, 265 and 268; which I am directed to bring to the Senate for the signature of the President thereof.

Whereupon the President signed the same.

House bill No. 195. A bill dividing the State into counties, and defining their boundary, and defining the jurisdiction of such as border on the Ohio and Wabash rivers;

Was read a third time, when

Mr. Winsteadley moved to strike out all after and including the word "provided," in section 23;

Which was unanimously agreed to.

Mr. Longshore moved to adjourn;

Which was decided in the negative.

Mr. Longshore moved to adjourn;

Which motion did not prevail.

The question being on the passage of the bill,

It failed for want of a quorum voting—ayes 27, noes 2.

*Those who voted in the affirmative were,*

Senators Allen, Athon, Berry, Davis, Defrees, Delevan, Goodman, Hanna, Hatfield, Henton, Hester, Hickman, James, Knowlton, Lo-

gan, Mickle, Miller, Saffer, Scobey, Secrest, Sleeth, Spann, Todd, Walker, Washburn, Winstandley, and Witherow.

Senators Eddy and Longshore voted in the negative.

On motion by Mr. Longshore,  
The Senate adjourned.

2 o'clock, P. M.

The Senate met.

Mr. Hester moved a call of the Senate;  
Which was ordered.

Upon calling the roll,  
Senators Alexander, Davis, Dougherty, Emerson, Hunt, Kendall, Marshall, Miller, Milliken, Reid, Scobey, Sleeth, Teegarden, and Turman, were absent.

On motion by Mr. Hester,  
The absentees were sent for.

Mr. Hester moved to dispense with the further call;  
Which was agreed to.

The consideration of the bill pending at the adjournment, was resumed.

The question being, shall the bill pass?

It was decided in the affirmative. Ayes 37; noes 0.

*Those who voted in the affirmative were,*

Senators Allen, Athon, Berry, Brugh, Dawson, Defrees, Delevan, Eddy, Emerson, Goodman, Hanna, Hatfield, Henton, Hester, Hickman, Holloway, Hunt, James, Kinnard, Knowlton, Logan, Longshore, Mickle, Miller, Newland, Niblack, Reid, Saffer, Secrest, Slack, Sleeth, Spann, Todd, Walker, Washburn, Winstandley and Witherow.

#### BILLS ON THEIR SECOND READING.

House bill No. 255. A bill regulating the taking up and impounding of animals,

Was upon its second reading, when

Mr. Hester moved to refer the bill to the committee on Revision;  
Which was agreed to.

House bill No. 279. A bill to require certain officers to execute further official bonds, and to take an additional oath of office;

Was read a second time, when,

On motion by Mr. Hester,

The bill was referred to the committee on Revision.

House bill No. 263. A bill to regulate the hours of manual labor;

Was read a second time and ordered to a third reading.

House bill No. 272. A bill to repeal an act entitled "an act to annex the town of Bellville, in the county of Posey, to the town of Mt. Vernon," approved February 4th, 1851;

Was read a second time, and,

On motion by Mr. James,

Laid on the table.

On motion by Mr. Winstandley,

Senate bill No. 176. A bill for the incorporation of cities;

Was taken from the table; when

Mr. Winstandley offered the following amendment:

Strike out sections 59, 60, 61, 62, 63, 66, 67, 68, and 69, and insert the following:

SEC. —. When the owners of two-thirds of the whole line of the lots bordering on any street or alley in any city, or a part of any such street or alley not less than one whole square between any two streets crossing the same, and measuring only the front line of such lots as belong to owners resident in such city, shall petition the mayor and council to have the side-walks graded and paved, or the whole width of the street graded, or graded and paved, or for either kind of improvement, or all together, as herein specified, the said mayor and council shall cause the same to be done by contract given to the best bidder, after advertising to receive proposals therefor.

SEC. —. In all contracts specified in the last preceding section, the cost thereof shall be estimated according to the whole length of the street or alley to be improved per running foot, and the city shall be liable to the contractor for so much thereof only as is occupied by streets or alleys crossing the same, or by public grounds of the city bordering thereon; and the owners of the lots bordering on such street or alley to be improved shall be liable to the contractor for their proportion of the cost, in proportion to the length of the line of the lots bordering thereon, and owned by them.

SEC. —. When any such contract shall be made, and shall be in progress of fulfilment, the mayor and council shall have power to cause estimates to be made from time to time of the amount of work done by the contractor, and to require such amount to be paid to him, deducting a reasonable per centage to secure the completion of the contract until the whole shall be finished, by the owners of the



lots bordering on the street or alley to be improved, in the proportion specified in the next preceding section.

Sec. —. In case any of the owners of lots shall fail or refuse to pay the amount due by them to such contractors upon any such estimate as provided for in the next preceding section, said mayor and council shall, at the request of the contractors, issue their warrants to the city collector to collect the same for the use of such contractor, and such collector shall proceed to collect such amount in the same manner as is prescribed in the 42d and 43d section of this act for the collection of taxes.

Which was adopted.

Mr. Athon moved to

Add the following section:

No incorporated city under this act shall have power to borrow money or incur any debt or liability unless three-fourths of the legal voters shall petition the common council to contract such debt or loan, and for any debt created thereby the common council shall add to the tax duplicate of each year successively, a levy sufficient to pay the annual interest on such debt or loan, with an addition of not less than five cents on the hundred dollars to create a sinking fund for the liquidation of the principal thereof:

*Provided*, That no debt shall be created by such city over and above the aggregate of tax collected for three years preceding the time at which such debt is contracted.

Mr. Holloway moved to amend the amendment as follows:

Amend 1st section—strike out “legal voters” and insert “persons representing three-fourths of the property of said town;”

Which was not agreed to.

The question recurring on the adoption of the amendment;

It was decided in the affirmative.

The bill was then ordered to be engrossed for a third reading.

House bill No. 137. A bill to provide for a general and uniform system of common schools, and school libraries and matters properly connected therewith;

Was read a second time, when,

Mr. Winstandley moved to amend the 1st section as follows:

Strike out “ten” and insert “five;”

Which was not agreed to.

Mr. Eddy moved to refer the bill to a select committee of one from each congressional district.

Mr. Longshore moved to adjourn.

Which motion did not prevail.

The question then being, will the Senate refer the bill to a select committee?

It was decided in the negative. Ayes 20; noes 21.

The ayes and noes were demanded by Senators Turman and Athon.

*Those who voted in the affirmative were,*

Senators Allen, Berry, Dawson, Defrees, Eddy, Hanna, Henton, Hester, Hickman, Hicks, Holloway, James, Marshall, Niblack, Scobey, Sleeth, Spann, Todd, Walker, and Winstandley.

*Those who voted in the negative were,*

Senators Alexander, Athon, Brugh, Davis, Delevan, Emerson, Goodman, Hatfield, Hunt, Kinnard, Knowlton, Longshore, Mickle, Miller, Newland, Saffer, Secrest, Slack, Turman, Washburn, and Witherow.

On motion by Mr. Longshore,  
The Senate adjourned.

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WEDNESDAY MORNING, }  
May 26th, 1852. }

The Senate met.

The Journal of yesterday was read.

#### REPORTS SUBMITTED.

By Mr. Hester, from the select committee on Revision:

MR. PRESIDENT:

The joint select committee on Revision, to whom was referred House bill No. 279, have had the same under consideration, and have directed me to report the same back, and recommend its passage; and they ask to be discharged from the further consideration thereof.

The accompanying bill, No. 279, A bill to require certain officers to execute further official bonds, and take an additional oath of office, Was ordered to a third reading.

By Mr. Hester, from the same committee:

MR. PRESIDENT :

The joint select committee on Revision, to whom was referred House bill No. 155, have had the same under consideration, and have directed me to report it back and recommend its passage; and they ask to be discharged from the further consideration thereof.

The accompanying bill, No. 155, A bill regulating the taking up and impounding of animals,

Was ordered to the third reading.

By Mr. Hester, from the same committee:

MR. PRESIDENT :

The select joint committee on Revision, to whom was referred Senate bill No. 178, have had the same under consideration, and have directed me to report the same back and recommend its passage, and they ask to be discharged from the further consideration thereof.

The question being on the passage of the accompanying Senate bill No. 178, a bill to establish courts of conciliation, to prescribe rules and proceedings therein, and compensation of judges thereof; It was decided in the affirmative—ayes 32, noes 11.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Athon, Berry, Brugh, Davis, Defrees, Delevan, Eddy, Goodman, Hatfield, Henton, Hester, Hickman, Hicks, Hunt, James, Kendall, Kinnard, Knowlton, Longshore, Mickle, Newland, Odell, Reid, Saffer, Slack, Sleeth, Turman, Walker, Washburn, and Winstandley.

*Those who voted in the negative were,*

Senators Emerson, Hanna, Logan, Marshall, Miller, Niblack, Scobey, Secrest, Spann, Todd, and Witherow.

#### BILLS INTRODUCED.

By Mr. Eddy:

No. 180. A bill containing general provisions in relation to railroad companies;

Which was read a first time and passed to a second reading.

## ORDERS OF THE DAY.

The consideration of House bill No. 137, pending at the adjournment on yesterday, was resumed, when

Mr. Reid offered the following amendment to section 2:

Specification 1—Strike out section 2, and insert the following in lieu thereof:

SEC. 2. The funds heretofore known and designated as the surplus revenue fund, the saline fund, the bank tax fund, shall, together with the fund which shall arise or be derived from the sale of county seminaries and the property belonging thereto, from the fines assessed for breaches of the penal laws of the State, and from all forfeitures which may accrue, all lands and other estates which shall escheat to the State for want of heirs or kindred entitled to inheritance, all lands which have or may hereafter be granted to the State, where no special purpose is expressed in the grant, and the proceeds of the sales of the swamp lands granted to the State of Indiana by the act of Congress of 28th Sept., 1850, after deducting the expense of selecting and draining the same, the taxes which may be assessed from time to time on corporations, for common school purposes, the fund arising from the one hundred and fourteenth section of the charter of the State Bank of Indiana, and unreclaimed fees, as provided by law, shall be denominated the common school fund, the income of which shall annually be divided and apportioned among the several school districts organized under this act in proportion to the number of scholars resident in such districts.

Specification 2—

The fund known as the congressional township fund shall be and remain under the special care of the respective townships, and shall be held and belong to said townships as the property of the inhabitants for school purposes.

Specification 3—

All taxes assessed and collected in the several counties in this State, under this act, shall be distributed in said counties among the several districts, in proportion to the number of scholars resident therein.

Mr. Defrees moved to amend the amendment as follows:

Strike out all after the word "distributed," in the 3d line of the 3d specification, and insert the following:

"Among the several counties in proportion to the number of scholars resident therein."

Mr. Reid moved to lay the amendment to the amendment on the table;

Which motion did not prevail. Ayes 21; noes 21.

The ayes and noes were demanded by Senators Alexander and Reid.

*Those who voted in the affirmative were,*

Senators Allen, Athon, Berry, Brugh, Hatfield, Hickman, Hicks, Holloway, James, Logan, Longshore, Marshall, Newland, Reid, Secrest, Slack, Sleeth, Spann, Todd, Walker, and Winstandley.

*Those who voted in the negative were,*

Senators Alexander, Davis, Defrees, Delevan, Eddy, Goodman, Hanna, Henton, Hester, Hunt, Kinnard, Knowlton, Mickle, Miller, Niblack, Odell, Saffer, Scobey, Turman, Washburn, and Witherow.

The question then being, will the Senate adopt the amendment to the amendment?

It was decided in the negative. Ayes 19; noes 25.

The ayes and noes were demanded by Senators Reid and Eddy.

*Those who voted in the affirmative were,*

Senators Alexander, Davis, Defrees, Eddy, Goodman, Hanna, Hatfield, Henton, Hunt, Kendall, Kinnard, Knowlton, Longshore, Mickle, Miller, Niblack, Odell, Saffer, and Washburn.

*Those who voted in the negative were,*

Senators Allen, Athon, Berry, Brugh, Delevan, Emerson, Hester, Hickman, Hicks, Holloway, James, Logan, Marshall, Newland, Reid, Scobey, Secrest, Slack, Sleeth, Spann, Todd, Turman, Walker, Winstandley, and Witherow.

The question being, will the Senate adopt the amendment?

It was decided in the negative—ayes 16, noes 28.

The ayes and noes were demanded by Senators Reid and Defrees.

*Those who voted in the affirmative were,*

Senators Allen, Berry, Hester, Hickman, Hicks, Holloway, James, Logan, Marshall, Newland, Reid, Scobey, Sleeth, Spann, Walker, and Winstandley.

*Those who voted in the negative were,*

Senators Alexander, Athon, Brugh, Davis, Defrees, Delevan, Eddy, Emerson, Goodman, Hanna, Hatfield, Henton, Hunt, Kendall, Kinnard, Knowlton, Longshore, Mickle, Miller, Niblack, Odell, Saffer, Secrest, Slack, Todd, Turman, Washburn, and Witherow.

The following message was received from the House of Representatives by Mr. Sites, their clerk :

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has concurred in the engrossed amendments of the Senate to engrossed bills of the House.

No. 93. "A bill to regulate the swamp lands donated by the United States to the State of Indiana, and to provide for the draining and reclaiming thereof in accordance with the condition of said grant."

No. 200. An act prescribing the powers and duties of justices of the peace in State prosecutions.

No. 262. "An act defining who are persons of unsound mind, authorizing the appointment of guardians for such persons; defining the powers and duties of such guardians; declaring void the contracts of persons of unsound mind, and providing for their restraint when necessary."

When,

On motion by Mr. Niblack,

The Senate adjourned.

2 o'clock, P. M.

The Senate met.

Hon. James H. Lane, Lieutenant Governor, in the chair.

The President laid before the Senate the following communication from the Auditor of State.

OFFICE OF AUDITOR OF STATE, }  
INDIANAPOLIS, May 25, 1852. }

HON. JAMES H. LANE,

*President of the Senate:*

SIR:—I have received the following resolution of the House, to wit:

"*Resolved*, That the Auditor of State be requested to inform this House why thirty-one counties of this State were taxed in 1847 for 93,617 acres of land, less than the same counties were taxed for

in 1846, while the other counties were taxed for 214,859 acres more in 1847 than in 1846. Also, why 50 counties decreased in the value of their lands from 1842 to 1847—from ten to fifty per cent. while during the same time the other counties increased from five to twenty-five per cent. as is shown by the Auditor's report of 1847.

*Resolved further*, That in case said Auditor is of opinion that the lands in the several counties are unequally assessed, he be requested to suggest some method to remedy the injustice of such inequality."

The facts noticed in the first resolution were brought to the attention of the then Auditor of State, at the time to which it refers, and I know of no other explanation than what was given by him in his annual report for the year 1847. He says:

"The decrease in so many counties in the number of acres of land assessed in 1847 compared with the assessment of 1846, is rather remarkable. It may in part be accounted for by supposing that in 1846 there may have been double assessments, that some may have been assessed which had been purchased by the banks in the collection of their debts, which by a decision of the Supreme Court, are exempt from taxation as *lands*, and are considered as a part of their stock, and that in some counties an erroneous interpretation may still be given to the Act approved January 19, 1846, entitled "an act to subject certain lands to taxation," constraining it to exempt all school lands from taxation, until ten years after the time of the sale, when it obviously means, taken in connection with other enactments, to continue to tax them according to the amount paid, until the expiration of ten years after their sale, and after that to the full amount, whether fully paid or not.

The Auditor also found the appraisement of 1846 to be very unequal, and in relation thereto made the following very just and sensible remarks:

"The column showing the average rate per acre of land in 1847, cannot fail to demonstrate the inequality of the valuation of real estate, made in 1846, and the propriety of adopting some mode, if possible, by which the inequality may be remedied. The average rate taking the whole State together, is undoubtedly low; but it is not so material whether the valuation be *low* or *high*, as it is that it be equal. Nothing can be so well calculated to commend to public favor a revenue system, or to induce a cheerful compliance with its requisitions, as the belief that it is *just* and *equitable*. There is no doubt that locality and fertility of soil should have much to do with the valuation of lands for taxation, but it would seem strange that the value of lands in counties contiguous to each other, should vary so much as this table indicates; and it seems hardly probable that a valuation can be equal, no matter in what part of the State the lands may be situated, which fixes the average value per acre of lands in some counties at nine dollars, and in others at two dollars."

I have no other means of answering the inquiries embraced in the first resolution.

The appraisement of 1851 was made under embarrassing circumstances. The act itself was full of contradictions, and it became necessary in order to carry out the intentions of the Legislature, to disregard some of its provisions. The appraisement had to be completed within a limited period, and in most of the counties it was performed by several individuals whose valuation of property was anything but uniform, and whose capacity for this important task may in many instances be doubted.

The result is that probably not in one county in ten is the real estate estimated up to its actual value, and the want of uniformity is fully as great as under the appraisement of 1846. Some of the county boards took it upon themselves to adjust matters to their own satisfaction—in LaGrange county reducing the valuation one-half, and in eight of the ten townships in Ripley county making a deduction of one-third, &c. Most of the county boards and county auditors have complied with the provisions of "an act providing a remedy for the illegal reduction of the aggregate valuation of real estate in the several counties of this State," approved Jan. 12, 1852, but the officers in the county of Ripley utterly refuse to comply with it in any respect, and treat the law as a nullity.

Under this state of facts there are but three alternatives; either to submit to the great injustice of an unequal appraisement or to adjust and equalize it by some competent authority, or lastly to provide for a new valuation.

It cannot be expected that men whose rights are solemnly guaranteed to them by the constitution, and who are taxed to their utmost capacity for the support of the Government, in its various branches, will submit to the manifest injustice of the present valuation without a murmur. Their complaints are just and reasonable, and they have a right to be heard.

A system of equalization, commencing with the county boards, to correct errors and equalize the valuation between the individuals of the county, a district board composed of the several county auditors of the congressional districts, and a State board, composed of delegates from district boards with the Auditor of State as their presiding officer, strikes me more favourably than any other that has been suggested. It is doubtful, however, whether this would be a sufficient remedy for the inequalities of the present valuation.

In a young and growing State like ours the relative value of real estate is constantly changing; and however equal the valuation of this year, another year may see it operating oppressively upon some portions of the State. Frequent valuations are therefore necessary, and to ensure exact justice an annual valuation. Certainly as often as once in three years the appraisement should be made.

The remedy I would respectfully suggest, in compliance with the second resolution, is therefore a reappraisement of the real estate to



be taken by competent officers, adequately compensated, and to be completed by the first of April, 1853. I would also create a board of equalization in the manner heretofore suggested, who should complete their work prior to the first of June succeeding, that it might appear upon the Duplicate of 1853.

In this manner we shall only suffer for two years under the injustice of the present appraisement, and shall probably have learned something from the experience of the past.

I have the honor to be,

Very respectfully,

E. W. H. ELLIS,

*Auditor of State.*

Which,

On motion by Mr. Mickle,

Was laid on the table.

On motion by Mr. Mickle,

The order of business was suspended.

Mr. Mickle moved to reconsider the vote taken on the 13th instant refusing to pass House bill No. 177, a bill to provide for equalizing the appraisement for taxation of the real property in the State of Indiana.

Which was agreed to.

Mr. Berry moved to recommit the bill to a select committee.

Which motion did not prevail.

Mr. Holloway moved a call of the Senate.

Which was ordered.

Senators Davis, Dougherty, and Marshall, were absent.

Mr. Slack moved to suspend the call,

Which motion did not prevail.

On motion by Mr. Holloway,

The absentees were sent for.

On motion by Mr. Reid,

The call was suspended.

The question being, shall the bill pass?

It was decided in the affirmative. Ayes 26; noes 19.

*Those who voted in the affirmative were,*

Senators Alexander, Berry, Davis, Dawson, Goodman, Hatfield, Hickman, Holloway, Hunt, James, Kendall, Kinnard, Knowlton, Logan, Marshall, Mickle, Niblack, Odell, Reid, Saffer, Secrest, Todd, Turman, Walker, Winstandley, and Witherow.

*Those who voted in the negative were,*

Senators, Allen, Athon, Brugh, Defrees, Delevan, Eddy, Emer-

son, Hanna, Henton, Hester, Hicks Longshore, Miller, Newland, Scobey, Slack, Sleeth, Spann, and Washburn.

On motion by Mr. Holloway,  
The Senate adjourned.

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THURSDAY MORNING, }  
May 27th, 1852. }

The Senate met.

The journal of yesterday was read.

PETITIONS, MEMORIALS, &C., PRESENTED.

By Mr. Goodman :

The petition of citizens of Gibson and Pike counties on the subject of temperance;

Which was,

On his motion,

Referred to the committee on that subject.

BILLS INTRODUCED.

By Mr. Spann :

No. 181. A bill to change the time of holding circuit courts in the county of Jennings;

Which was read a first time and passed to a second reading.

ORDERS OF THE DAY.

The consideration of House bill No. 137, a bill to provide for a general and uniform system of common schools, and school libraries, and matters properly connected therewith pending at adjournment on yesterday, was resumed ; when,

Mr. Slack moved to amend section first by striking out the word

"ten," in the 8th line, and inserting the word "fifteen" in lieu thereof.

Mr. Emerson moved to postpone the further consideration of the bill until Friday next, (to-morrow,) and that it be made the special order of the day for 2½ o'clock of that day.

Which motion prevailed.

#### BILLS ON THEIR THIRD READING.

House bill No. 155. A bill regulating the taking up and impounding of animals;

Was read a third time; and,

The question being, shall the bill pass?

It was decided in the affirmative. Ayes 36, noes 4.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Athon, Berry, Brugh, Davis, Dawson, Defrees, Delevan, Eddy, Emerson, Goodman, Henton, Hester, Hicks, Hunt, Kendall, Kinnard, Knowlton, Longshore, Marshall, Mickle, Miller, Niblack, Odell, Reid, Saffer, Secrest, Slack, Sleeth, Spann, Todd, Turman, Walker, Washburn, and Witherow.

*Those who voted in the negative were,*

Senators Hatfield, Hickman, Holloway, and Winstandley.

House bill No. 263. A bill to regulate the hours of manual labor;

Was on its third reading; when,

On motion by Mr. Hatfield,

It was referred to a select committee.

Senators Hatfield, Winstandley and Todd, were appointed said committee.

House bill No. 279. A bill to require certain officers to execute further official bonds, and to take an additional oath of office;

Was read a third time, when

On motion by Mr. Hester,

It was referred to the committee on Revision.

House bill No. 80. A bill for the relief of the poor;

Being on its third reading,

Mr. Dawson moved to recommit the bill with the following instructions:

Amend so that each township shall be responsible only for the support of such poor persons as may reside in such township if kept

in a county poor house: *Provided further*, if no poor house is provided in said county, the said poor to be kept in their respective townships at the proper cost and expense of the townships respectively.

A division of the question being called for, and the President having decided the question divisible,

The first question was, will the Senate recommit the bill?

Which was decided in the negative. Ayes 5; noes 37.

The ayes and noes were demanded by Senators Dawson and Defrees.

*Those who voted in the affirmative were,*

Senators Dawson, Hatfield, Saffer, Spann, and Washburn.

*Those who voted in the negative were,*

Senators Alexander, Allen, Athon, Berry, Brugh, Davis, Defrees, Delevan, Eddy, Emerson, Goodman, Hanna, Henton, Hester, Hickman, Hunt, James, Kendall, Kinnard, Knowlton, Logan, Longshore, Marshall, Mickle, Miller, Niblack, Odell, Reid, Scobey, Secrest, Slack, Sleeth, Todd, Turman, Walker, Winstandley and Witherow.

Mr. Saffer moved to amend by striking out the 37th section. Which motion did not prevail.

On motion by Mr. Emerson,  
The bill was laid on the table.

Senate bill No. 176. A bill for the incorporation of cities;  
Was read a third time, and passed—ayes 33, noes 1.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Athon, Berry, Dawson, Defrees, Delevan, Eddy, Goodman, Hanna, Hatfield, Henton, Hester, Hunt, James, Kendall, Kinnard, Knowlton, Logan, Longshore, Mickle, Miller, Odell, Reid, Saffer, Scobey, Secrest, Sleeth, Todd, Walker, Washburn, Winstandley and Witherow.

Senator Holloway voted in negative.

Mr. Berry moved to take from the table,

House bill No. 80. A bill for the relief of the poor;  
Which was agreed to, when,

Mr. Berry moved to

Add the following to section 35:

And where two or more counties shall have jointly purchased any

tract of land, and erected an asylum for the poor of their several counties, they shall have the power to continue such joint ownership during their pleasure, and it shall be lawful for the county commissioners of two or more counties to jointly purchase lands, erect asylums or do other things proper and necessary for the relief and comfort of the poor within counties forming such joint ownership as by this act provided for the respective counties.

Which was unanimously adopted.

The question then being, shall the bill pass?

It was decided in the affirmative; ayes 34, noes 2.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Berry, Dawson, Defrees, Delevan, Eddy, Emerson, Goodman, Hanna, Henton, Hester, Holloway, Hunt, James, Kendall, Kinnard, Knowlton, Logan, Longshore, Mickle, Miller, Odell, Reid, Saffer, Scobey, Secrest, Sleeth, Spann, Todd, Walker, Washburn, Winstandley, and Witherow.

Senators Athon and Hatfield voted in the negative.

On motion by Mr. Longshore,

The Senate adjourned.

2 o'clock, P. M.

The Senate met.

Senate bill, No. 180. A bill entitled "general provisions in relation to railroad companies,

Was read a second time; and,

On motion by Mr. Winstandley,

Referred to the committee on corporations.

Message from the House of Representatives by Mr. Sites their clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof:

No. 95. A bill to provide for the enlargement of the Indiana Hospital for the Insane.

In which the concurrence of the Senate is respectfully requested.

The accompanying bill was read a first time and passed to a second reading.

Also, the following message was received from the House of Representatives, by Mr. Sites, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bills thereof:

No. 104. A bill to regulate the mileage of sheriffs in conveying convicts to the State prison, and of county treasurers in making deposits, and in making their settlements with the Treasurer and Auditor of State, and the mileage of members of the General Assembly.

No. 176. An act to provide for the organization of canal and water works companies, and for the completion of the unfinished canals in the State of Indiana.

No. 287. An act for the protection of sheep.

In which the concurrence of the Senate is respectfully requested.

The accompanying bills were read a first time, and passed to a second reading.

Mr. Athon moved to take from the table

House bill No. 118. A bill authorizing alien friends to take by descent or devise, or otherwise;

Which was agreed to, when

Mr. Emerson moved to add after the word "cases," in the 16th line of the 2d section, the words "before any such devisee or next of kin shall be entitled to the benefits of this act.

Which motion prevailed.

Mr. Emerson moved to add to the end of the section the words "from any cause whatever."

Mr. Marshall moved to amend by adding the following:

That the said expenses shall only include money paid, or liability incurred, in improving the lands, or unpaid taxes of all kinds,—the costs of the suit brought by the Fischli heirs against the State in the Marion county circuit court.

Mr. Hanna moved to lay the amendment to the amendment on the table;

Which was decided in the affirmative. Ayes 25; noes 15.

The ayes and noes were demanded by Senators Emerson and Hanna.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Berry, Brugh, Davis, Delevan, Emerson, Hanna, Henton, Hester, Hickman, Hicks, Hunt, Kinnard, Logan, Miller, Newland, Scobey, Secrest, Slack, Turman, Walker, Washburn, Winsteadley, and Witherow.

*Those who voted in the negative were,*

Senators Athon, Dawson, Defrees, Goodman, Holloway, Kendall, Knowlton, Longshore, Marshall, Niblack, Odell, Reid, Saffer, Spann, and Todd.

Mr. Emerson then withdrew the amendment.

Mr. Emerson moved to add to the end of the 3d section the following:

Nor shall this act be so construed as to vest in any such devisees, or next of kin of such decedent, any interest in any lot or tract of land which had been sold or donated by any such decedent, prior to his death, to any church or society for any religious purpose whatever, but which was not conveyed to such church or society, by such decedent in his life-time; but all the interest which the State may have acquired in any such lands by reason of such escheat, is hereby vested in the proper trustees of any such church or religious society for the use and benefit thereof; and the acceptance of the provisions of this act, shall be deemed a release of all interest or title of such devisee or next of kin in any lot or tract of land granted as aforesaid to any such church or religious society, and also all right of action which may exist for the recovery of any purchase money which may be due on said lot of ground.

Which amendment was adopted.

On motion by Mr. Hester,

The order of business was suspended.

Message from the House of Representatives, by Mr. Sites, their Clerk:

MR. PRESIDENT:

I am directed by the House of Reps. to inform the Senate that the House refuse to concur in the engrossed amendment of the Senate to engrossed bill of the House No. 257, an act in relation to county Auditors."

In which the concurrence of the Senate is respectfully requested.

On motion by Mr. Hester,

The Senate receded from their amendment.

The consideration of House bill No. 118 was resumed.

When,

Mr. Emerson moved to add the following section.

SEC. —. In all cases where the quantity of land in any one county acquired under the provisions of this act from any one decedent exceeds two thousand acres all sales thereof by such devisee or next of kin shall be made at public auction; of the time and place of which notice shall be given, for at least sixty days, by publication in some newspaper of general circulation published in the county, in which such lands are situated, and if no such newspaper be published therein, then by posting up notices thereof in five of the most public places in said county; and if in such case there are more tracts of land than one, each tract shall be offered for sale separately; and in all cases where the same can be done, no greater quantity shall be offered at one time than a quarter section thereof.

Which motion prevailed.

Mr. Berry offered the following additional section:

SEC. —. The devisees in in all wills heretofore or hereafter to be made where a part of the devisees were or shall be alien friends and a part of such devisees were or shall be inhabitants of the United States at the time such wills were made, shall take and hold according to the will of the devisor, under the same rules as though all the devisees had been inhabitants of the United States at the time of the death of the devisor and the estates remain unsettled at the time of the taking effect of this act.

Which was adopted.

Mr. Secrest moved to strike out the 2d section,

Which was decided in the affirmative. Ayes 21; noes 17.

The ayes and noes were demanded by Senators Secrest and Emerson.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Brugh, Delevan, Defrees, Emerson, Henton, Hester, Hickman, Hunt, Kinnard, Logan, Miller, Odell, Saffer, Scobey, Secrest, Slack, Turman, Washburn and Witherow.

*Those who voted in the negative were,*

Senators Athon, Berry, Dawson, Eddy, Goodman, Hanna, Hicks, James, Longshore, Marshall, Newland, Niblack, Reid, Spann, Todd, Walker, and Winstandley.

Mr. Emerson moved to strike out the 6th section.

Which was agreed to.

The amendments were then ordered to be engrossed, and the bill ordered to a third reading.

Mr. Turman, from the joint committee on Enrolled Bills, submitted the following report:



Mr. PRESIDENT:

The joint committee on Enrolled Bills having examined the following bills and joint resolution of the Senate find them correct:

Bills numbered 59, 64, 120, 123, 132, 135, 141, 150, 157, 158, 160 and 161, and joint resolution numbered 114.

Message from the House of Representatives, by Mr. Sites, their Clerk:

Mr. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has concurred in the engrossed amendments of the Senate to engrossed bill of the House No. 177, "a bill to provide for equalizing the appraisement for taxation of the real property in the State of Indiana."

On motion by Mr. Reid,  
The Senate adjourned.

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FRIDAY MORNING, }  
May 28, 1852. }

Senate met.

The journal of yesterday was read.

#### REPORTS SUBMITTED.

By Mr. Emerson, from a select committee:

Mr. PRESIDENT:

The select committee to whom was referred a resolution of the Senate relative to the allowance of additional compensation to the Secretary of State for the enrollment of the acts of the present

General Assembly, have had the same under consideration, and recommend the adoption of the following resolution :

*Resolved*, That the Secretary of State, the House concurring, be authorized to employ clerks sufficient to perform the enrolling of the acts of the present General Assembly, and that he be allowed, in addition to the sum now allowed by law for that purpose, such an amount as shall be deemed just and reasonable by this General Assembly.

Which was concurred in.

By Mr. Hester, from the committee on Revision:

**MR. PRESIDENT:**

The joint committee on Revision to whom was referred House bill No. 203, have had the same under consideration, and have directed me to report it back with sundry amendments, the adoption of which they recommend and they ask to be discharged from the further consideration thereof.

*First*. Amend by adding at the end of section 2, the following: "and by delivering a copy thereof to the clerk of each township in the county, if there be any in such township, who shall notify the trustees of such township thereof."

*Second*. Amend by inserting the word "new" after the word "such" in the 6th line of section 4.

*Third*. Add at the end of section 4, the following: "But in case there is but one precinct in a township, and such township forms a precinct, such elections shall be conducted by the officers, and regulated by the laws provided for the government of such township, except as herein otherwise provided; and in case there is more than one precinct in any such township, and there shall not be in attendance on the day and at the hour appointed for any such election, the officers authorized to conduct the same, the qualified electors present shall choose such officers according to the regulations hereinafter provided in section 6 of this act."

*Fourth*. Add to the end of section 6 the following: "And such inspector shall proceed to select two judges, and such judges shall select two clerks, as provided in section 4 of this act."

*Fifth*. Strike out the first line of section 17.

*Sixth*. Strike out all after the word "oath," in the fifth line of section 21, to the word "you," in the sixth line, and insert in the fourth line, after the word "administer," the words "to him."

Mr. Winstandley moved to lay the bill and pending amendments on the table;

Which was agreed to.

By Mr. Hester, from the same committee:

MR. PRESIDENT:

The joint committee on Revision, to whom was referred Senate bill No. 107, "A bill to incorporate the Paoli and Orleans Railroad Company," have had the same under consideration, and have directed me to report it back, and recommend that it be laid on the table, as, in their opinion, its provisions are unconstitutional; and they ask to be discharged from the further consideration thereof.

Which was concurred in.

#### RESOLUTIONS OFFERED.

By Mr. Reid:

*Resolved*, That the House of Representatives be requested to return to the Senate the message of the Senate, concurring in the engrossed amendments of the House, with one amendment, to bill No. 123, being a bill providing for an organization of circuit courts, &c.

Which was adopted.

#### ORDERS OF THE DAY.

##### *Bills on their Third Reading.*

Mr. Hester moved to take from the table

House bill No. 258. A bill in relation to county treasurers;

Which was agreed to.

Mr. Hester then withdrew the first amendment of the committee, relative to the time of the expiration of the term of the county treasurer.

The second amendment of the committee was adopted.

The question being, shall the bill pass?

It failed for want of a constitutional majority. Ayes 24, noes 15.

##### *Those who voted in the affirmative were,*

Senators Alexander, Allen, Brugh, Dawson, Delevan, Eddy, Emerson, Henton, Hester, Hickman, Hicks, Hunt, James, Logan, Miller, Newland, Secrest, Slack, Sleeth, Spann, Todd, Walker, Washburn, and Winsteadley.

##### *Those who voted in the negative were,*

Senators Athon, Berry, Davis, Defrees, Kendall, Knowlton, Longshore, Marshall, Mickle, Niblack, Odell, Reid, Scobey, Turman, and Witherow.

House bill No. 118. A bill authorizing alien friends to take by descent or devise;

Was read a third time, when,

Mr. Alexander moved to reconsider the vote ordering the bill to a third reading;

Which was decided in the negative. Ayes 17; noes 22.

The ayes and noes were demanded by Senators Secrest and Emerson.

*Those who voted in the affirmative were,*

Senators Alexander, Athon, Davis, Dawson, Eddy, Goodman, Henton, Hicks, Kendall, Marshall, Miller, Newland, Niblack, Reid, Turman, Walker, and Winstandley.

*Those who voted in the negative were,*

Senators Allen, Brugh, Defrees, Delevan, Emerson, Hickman, Hunt, James, Kinnard, Knowlton, Logan, Longshore, Mickle, Odell, Saffer, Scobey, Secrest, Slack, Sleeth, Todd, Washburn, and Witherow.

On motion by Mr. Emerson,  
The bill was laid on the table.

#### BILLS ON THEIR SECOND READING.

House bill No. 95. A bill to provide for the enlargement of the Indiana Hospital for the Insane;

Was read a second time, and

On motion by Mr. Winstandley,

Was referred to the committee on the Benevolent Institutions of the State.

Senate bill No. 181. A bill to change the time of holding circuit courts in the county of Jennings;

Was read a second time and ordered to be engrossed for a third reading.

House bill No. 287. A bill for the protection of sheep;

Was read a second time; and

On motion by Mr. Mickle,

Referred to a select committee.

Senators Mickle, Allen, Delevan, Miller, and Hester were appointed said committee.

House bill No. 176. A bill to provide for the organization of canal and water-works companies and for the completion of unfinished canals in the State of Indiana;

Was read a second time; when

On motion by Mr. Winstandley,

It was referred to the committee on Corporations.

House bill No. 104. A bill for the regulation of the mileage of sheriffs in conveying convicts to the State Prison, of county treasurers in making deposits in their settlements with the Treasurer and Auditor of State, and the mileage of members of the General Assembly;

Was read a second time; when

It was referred to a select committee of one from each congressional district.

The following Senators were appointed said committee:

Senators Scobey, Goodman, Miller, Hickman, Newland, Hunt, Alexander, Todd, Washburn, Defrees, and Allen.

On motion by Mr. Miller,

Mr. Hester was added to the committee.

The following message was received from the House of Representatives, by Mr. Sites, their Clerk:

**MR. PRESIDENT:**

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof:

No. 277, "an act to authorize the State Printer to print, bind and publish one thousand copies of the laws passed by the present General Assembly, in the German language."

In which the concurrence of the Senate is respectfully requested.

The accompanying bill was read a first time and passed to a second reading.

Also, the following message was received from the House of Representatives, by Mr. Sites their Clerk:

**MR. PRESIDENT:**

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bills thereof:

No. 209, "an act concerning enclosures, trespassing animals, and partition fences;"

No. 286 "an act to encourage more effectually the destruction of wolves."

In which the concurrence of the Senate is respectfully requested. The accompanying bills were read a first time and passed to a second reading.

Mr. Hester moved to take from the table, house bill

No. 203. A bill entitled "An act regulating general elections, and prescribing the duties of officers in relation thereto;"

Which was agreed to.

On motion by Mr. Mickle,

A call of the Senate was ordered.

On motion by Mr. Slack,

Mr. Emerson was excused.

On motion by Mr. Miller,

Mr. Hatfield was excused.

On motion by Mr. Secrest,

Mr. Scobey was excused.

On motion by Mr. Secrest,

Mr. Spann was excused.

On motion by Mr. Saffer,

The further call was dispensed with.

Mr. Hester moved to

Amend by adding the following section:

SEC. —. As this act, in the usual course of publication will not be circulated in the several counties before the October election, it is hereby declared a case of emergency: and this act shall be in force from and after its passage.

Which was unanimously adopted.

The question being, shall the bill pass?

It was decided in the affirmative—ayes 28, noes 12.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Athon, Brugh, Davis, Defrees, Delevan, Eddy, Emerson, Henton, Hicks, James, Kendall, Kinnard, Knowlton, Logan, Longshore, Marshall, Mickle, Niblack, Odell, Slack, Sleeth, Todd, Walker, Washburn, Winstandley, and Witherow.

*Those who voted in the negative were,*

Senators Dawson, Goodman, Hanna, Hester, Hickman, Hunt, Miller, Newland, Reid, Saffer, Secrest, and Turman.

The following message was received from the House of Representatives, by Mr. Sites, their Clerk:

**MR. PRESIDENT :**

I am directed by the House to inform the Senate that the Speaker has signed the following enrolled bills thereof:

Nos. 93, 157, 200, 262 and 177.

Which I am directed to bring to the Senate for the signature of the President thereof.

Whereupon, the President signed the same.

Also, the following message from the House of Representatives, by Mr. Sites, their clerk :

**MR. PRESIDENT :**

I am directed by the House of Representatives to inform the Senate that the Speaker has signed the following enrolled bills of the Senate :

Nos. 132, 123, 120, 64, 59, 114, 158, 160, 161, 135, 141, 150 and 157.

Which I am directed to bring to the Senate for the signature of the President thereof.

Whereupon the President signed the same.

Also, the following message was received from the House of Representatives, by Mr. Sites, their Clerk :

**MR. PRESIDENT :**

I am directed by the House of Representatives to inform the Senate that the House recedes from its engrossed amendment to Senate bill No. 139, "a bill to provide for the election of county sheriffs, and prescribing some of their duties.

Also, the following message was received from the House of Representatives, by Mr. Sites, their Clerk :

**MR. PRESIDENT :**

I am directed by the House of Representatives to inform the Senate, that the House recedes from its disagreement to Senate amendments to House bill No. 199, "a bill providing for the election and qualification of justices of the peace, and defining their jurisdiction, powers and duties in civil cases."

Also, the following message :

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has concurred in the engrossed amendments of the Senate to engrossed bill of the House, No. 195, "a bill dividing the State into counties, and defining their boundaries, and defining the jurisdiction of such as border on the Ohio and Wabash rivers."

On motion by Mr. Winstandley,  
The Senate adjourned.

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2 o'clock, P. M.

The Senate met.

Mr. Berry from a select committee submitted the following report:

MR. PRESIDENT:

The select committee to whom was referred House bill No. 254, have had the same under consideration and have directed me to report the bill back and recommend that the words "in session" be stricken out, and insert in lieu thereof, "in actual attendance or absent on the business of the General Assembly or unable to attend from sickness."

And your committee would further recommend the adoption of the following section:

SEC. —. Each House of the General Assembly shall, by *viva voce* vote, elect one Principal Secretary, one assistant Secretary and one Doorkeeper, who shall from time to time have such assistance as their respective houses shall by resolution permit or direct, and the pay of the above named officers shall be three dollars per day during their attendance upon the General Assembly.

The amendments of the Committee were concurred in,

And the question being, shall the bill pass?

It was decided in the affirmative—ayes 31, noes 7.

*Those who voted in the affirmative were,*

Senators Alaxander, Allen, Athon, Berry, Brugh, Defrees, Delevan, Eddy, Emerson, Goodman, Hanna, Henton, Hester, Hickman, Hicks, Hunt, James, Kinnard, Knowlton, Logan, Mickle, Newland,



Reid, Saffer, Secrest, Slack, Todd, Walker, Washburn, Winstandle, and Witherow.

*Those who voted in the negative were,*

Senators Dawson, Holloway, Marshall, Miller, Niblack, Scobey, and Turman.

Mr. Berry moved to amend the title by adding "Secretaries, Clerks and Doorkeepers,"

Which was agreed to.

Mr. Hester moved to take up,

House bill 258. A bill in relation to county Treasurers.

Which was agreed to.

Mr. Mickle moved to refer the bill to a select committee.

Which motion did not prevail.

The question being, shall the bill pass?

It failed for the want of a constitutional majority. Ayes 25; Noes 16.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Brugh, Dawson, Defrees, Delevan, Eddy, Emerson, Goodman, Henton, Hickman, Hicks, Hunt, James, Kendall, Kinnard, Logan, Newland Saffer, Secrest, Slack, Todd, Walker, Washburn, and Winstandle.

*Those who voted in the negative were,*

Senators Athon, Berry, Davis, Hanna, Hester, Holloway, Knowlton, Marshall, Mickle, Miller, Niblack, Odell, Reid, Scobey, Turman, and Witherow.

On motion by Mr. Slack,

The bill was again taken up,

And the question being shall the bill pass?

It was decided in the affirmative. Ayes 30; noes 9.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Athon, Brugh, Davis, Defrees, Delevan, Eddy, Emerson, Goodman, Hanna, Henton, Hester, Hickman, Hicks, Hunt, James, Kinnard, Logan, Miller, Newland, Saffer, Scoby, Secrest, Slack, Todd, Walker, Washburn, Winstandle and Witherow.

*Those who voted in the negative were,*

Senators Dawson, Holloway, Knowlton, Marshall, Mickle, Niblack, Odell, Reid, and Turman.

The hour having arrived, the special order of the day being

House bill No. 137, A bill to provide for a general and uniform system of common schools and school libraries, and matters properly connected therewith,

Was taken up.

The question being on the adoption of the amendment pending,

It was decided in the negative. Ayes 4; noes 34.

*Those who voted in the affirmative were,*

Senators Eddy, Kinnard, Mickle, and Turman.

*Those who voted in the negative were,*

Senators Alexander, Allen, Athon, Berry, Brugh, Dawson, Defrees, Delevan, Emerson, Goodman, Hanna, Henton, Hester, Hickman, Hicks, Holloway, Hunt, James, Knowlton, Logan, Marshall, Miller, Newland, Niblack, Odell, Reid, Saffer, Scobey, Secrest, Slack, Todd, Walker, Washburn, Winstandley, and Witherow.

Mr. Eddy moved to amend section 2 by striking out the congressional township fund.

Mr. Secrest moved to postpone the further consideration of the bill until Monday next, and make it the special order of the day for that day at two o'clock.

Which motion prevailed.

On motion by Mr. Hanna,

The Senate adjourned.

SATURDAY MORNING, }  
 May 29th, 1852. }

The Senate met.

The journal of yesterday was read.

On motion by Mr. Cravens,  
 The order of business was suspended ; when  
 The following message from the House of Representatives was taken up.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill of the Senate:  
 No. 169. "A bill to revise and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State,"

With sundry amendments;

In which the concurrence of the Senate is respectfully requested.

The question being, Will the Senate concur in the engrossed amendments of the House to Senate bill No. 169;

A division of the question was called for.

The President having decided the question divisible,

The first question was, Will the Senate concur in the first amendment of the House?

Which was decided in the negative.

The second question being, Will the Senate concur in the second amendment of the House?

It was decided in the negative.

The next question was, Will the Senate concur in the third amendment of the House?

Which was decided in the affirmative.

The next question being, Will the Senate concur in the fourth amendment of the House?

It was decided in the affirmative.

The question then being, will the Senate concur in the 5th amendment of the House?

Which was decided in the negative. Ayes 19, noes 21.

The ayes and noes were demanded by Senators Emerson and Hickman.

*Those who voted in the affirmative were,*

Senators Brugh, Dawson, Dougherty, Henton, Hicks, James,

Knowlton, Logan, Marshall, Miller, Niblack, Odell, Reid, Scobey, Secrest, Todd, Washburn, Winstandley, and Witherow.

*Those who voted in the negative were,*

Senators Alexander, Allen, Athon, Berry, Davis, Defrees, Emerson, Goodman, Hester, Hickman, Hunt Kendall, Kinnard, Mickle, Newland, Saffer, Slack, Sleeth, Teegarden, Turman, and Walker.

The question on concurring in the 6th amendment of the House, Was decided in the negative.

The Senate then concurred in the 7th amendment of the House.

The 8th question then being, will the Senate concur in the 8th amendment?

It was decided in the negative.

The next question was will the Senate concur in the 9th amendment?

Which was decided in the negative.

The 10th question being, will the Senate concur in the 10th amendment.

It was decided in the negative.

The 11th question being, will the Senate concur in the 11th amendment.

It was decided in the negative.

The next question was will the Senate concur in the 12th amendment of the House?

Which was decided in the negative.

The question then being, will the Senate concur in the 13th amendment?

It was decided in the negative.

The question then was, will the Senate concur in the 14th amendment?

It was decided in the negative.

Mr. Emerson moved to reconsider the vote just taken;

Which was agreed to.

The question then being, will the Senate concur in the fourteenth amendment of the House?

It was decided in the negative.

The next question was, will the Senate concur in the 15th amendment?

Which was decided in the negative.

The question then being, will the Senate concur in the sixteenth amendment?

It was decided in the affirmative.

The question then being, will the Senate concur in the seventeenth amendment?

It was decided in the negative.

The question being, will the Senate concur in the 18th amendment of the House?

It was decided in the negative.

The question then was, will the Senate concur in the 19th amendment?

Which was decided in the affirmative.

The next question was, will the Senate concur in the 20th amendment?

Which was decided in the negative.

The question then was, will the Senate concur in the 21st amendment?

Which was decided in the negative.

The next question being, will the Senate concur in the twenty-second amendment?

It was decided in the affirmative.

The question then was, will the Senate concur in the 23d amendment?

Which was decided in the negative.

The question being, will the Senate concur in the 24th amendment?

It was decided in the affirmative.

The question then being, will the Senate concur in the 25th amendment?

It was decided in the affirmative.

The question being, will the Senate concur in the 26th amendment?

It was decided in the affirmative.

The next question being, will the Senate concur in the 27th amendment?

Mr. Hester moved to amend the amendment as follows:

Insert after the word "another," in the amendment, the word "action."

Which was agreed to, and the amendment, as amended, concurred in.

The question being, will the Senate concur in the 28th amendment?

It was decided in the affirmative.

The question then being, will the Senate concur in the 29th amendment?

It was decided in the affirmative.

The question then was, will the Senate concur in the 30th amendment?

It was decided in the affirmative.

Mr. Marshall moved to reconsider the vote just taken;

Which was agreed to.

The question then being, will the Senate concur in the 30th amendment?

It was decided in the negative.

The question then being, will the Senate concur in the 31st amendment?

It was decided in the negative.

The question then was, will the Senate concur in the 32d amendment?

Which was decided in the affirmative.

The question being, will the Senate concur in the 33rd amendment?

It was decided in the affirmative.

The next question was, will the Senate concur in the 34th amendment?

Which was decided in the negative.

The next question being, will the Senate concur in 35th amendment?

It was decided in the negative.

The question being, will the Senate concur in the 36th amendment?

It was decided in the affirmative.

The question being, will the Senate concur in the 37th amendment of the House?

It was decided in the affirmative.

The Senate refused to concur in the 38th amendment of the House.

#### REPORTS SUBMITTED.

By Mr. Todd from the committee on the Affairs of the Town of Indianapolis.

MR. PRESIDENT:

The committee on the Affairs of the Town of Indianapolis, to whom was referred a resolution of the Senate instructing said committee to inquire into the expediency of repealing the charter of said town, have had the matter under consideration, and a majority of said committee have instructed me to report that, in the opinion of said committee it is inexpedient at the present time to legislate upon that subject, and ask to be discharged from the further consideration thereof.

On motion by Mr. Niblack,  
The report was laid on the table,  
When,

On motion by Mr. Niblack,  
The committee were discharged from the further consideration of the subject.

By Mr. Hester, from the joint select committee on Revision :

MR. PRESIDENT :

The joint select committee on Revision, to whom was referred House bill No. 166, have had the same under consideration, and have directed me to report it back, and recommend that it be laid on the table.

Which was concurred in.

By Mr. Hester, from a committee on Free Conference :

MR. PRESIDENT :

The committee on Free Conference, to whom was referred the disagreement of the two Houses to amendment to House bill No. 198, have directed me to report that they cannot agree, and they ask to be discharged from the further consideration thereof.

When,

On motion,

The committee was discharged from the further consideration of the subject.

#### BILLS INTRODUCED.

By Mr. Odell :

No. 182. A bill supplemental to an act entitled an act to create a special term of the Tippecanoe circuit court ;

Which was read a first time ; when

Mr. Odell moved to suspend the rule, and read the bill a second time now ;

Which was decided in the affirmative. Ayes 35; noes 0.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Berry, Brugh, Davis, Dawson, Defrees, Delevan, Emerson, Goodman, Hanna, Henton, Hester, Hickman, Hicks, Holloway, Hunt, James, Knowlton, Longshore, Mickle, Miller, Newland, Niblack, Odell, Reid, Saffer, Scobey, Secret, Slack, Sleeth, Walker, Washburn, Winstandley, and Witherow.

The bill was then read a second time; when,

Mr. Odell moved to suspend the rule and read the bill a third time; now,

Which was decided in the affirmative. Ayes 35; noes 2.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Berry, Brugh, Davis, Dawson, Defrees, Delevan, Emerson, Goodman, Henton, Hester, Hickman, Hicks, Holloway, Hunt, James, Kinnard, Knowlton, Longshore, Mickle, Miller, Newland, Niblack, Odell, Reid, Saffer, Scobey, Secrest, Slack, Turman, Walker, Washburn, Winstandley and Witherow.

Senators Hanna and Sleeth, voted in the negative.

The bill was then read a third time and passed. Ayes 35 noes none.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Brugh, Davis, Dawson, Defrees, Delevan, Emerson, Goodman, Henton, Hester, Hickman, Hicks, Hunt, James, Kinnard, Knowlton, Longshore, Mickle, Miller, Newland, Niblack, Odell, Reid, Saffer, Scobey, Secrest, Slack, Sleeth, Turman, Walker, Washburn, Winstandley, and Witherow.

By Mr. Longshore.

No. 183. A bill to repeal an act entitled an act to incorporate the town of Indianapolis, "approved January 26, 1847, and all acts supplementary thereof,

Which was read a first time and passed to a second reading.

On motion by Mr. Miller,

The order of business was suspended.

Mr. Miller moved to take from the table, House bill No. 271.

Which was agreed to.

The bill was read the third time; and,

The question being, shall the bill pass?

It was decided in the affirmative. Ayes 35; noes 0.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Berry, Brugh, Dawson, Defrees, Delevan, Emerson, Goodman, Hanna, Henton, Hester, Hickman Hicks, Hunt, James, Kinnard, Knowlton, Longshore, Mickle, Miller, Newland, Niblack, Odell, Reid, Saffer, Scobey, Secrest, Slack, Sleeth, Turman, Walker, Washburn, Winstandley and Witherow!

On motion by Mr. Reid,

The vote concurring in the first amendment of the House to Senate bill No. 123, in relation to the number of judicial circuits, was reconsidered.



The question being, will the Senate concur in the amendment of the House, proposing to make nine instead of ten judicial circuits;

It was decided in the negative—ayes 9, noes 27.

The ayes and noes were demanded by Senators Defrees and Dawson.

*Those who voted in the affirmative were,*

Senators Dawson, Defrees, Hanna, Hickman, Knowlton, Longshore, Scobey, Winstandley and Witherow.

*Those who voted in the negative were,*

Senators Alexander, Allen, Berry, Brugh, Davis, Delevan, Emerson, Goodman, Henton, Hester, Hicks, Hunt, James, Kinnard, Mickle, Miller, Newland, Niblack, Odell, Reid, Saffer, Secrest, Slack, Sleeth, Turman, Walker, and Washburn.

#### ORDERS OF THE DAY.

##### *Senate Bills on their third Reading.*

No. 181. A bill to change the time of holding circuit courts in the county of Jennings;

Was read a third time, and,

The question then being, shall the bill pass?

It was decided in the affirmative. Ayes 35; noes 0.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Berry, Brugh, Davis, Dawson, Defrees, Delevan, Eddy, Emerson, Goodman, Henton, Hester, Hicks, Hunt, James, Kinnard, Knowlton, Longshore, Mickle, Miller, Newland, Niblack, Odell, Reid, Saffer, Scobey, Secrest, Slack, Sleeth, Turman, Walker, Washburn, Winstandley, and Witherow.

On motion by Mr. Slack,

The order of business was suspended.

Whereupon Mr. Slack introduced No. 184. A bill to repeal an act incorporating the town of Huntington;

Which was read a first time and passed to a second reading.

House bill No. 236. A bill to provide for the punishment of offences by imprisonment in the county jail, or by fine;  
 Was read a second time; and,  
 On motion by Mr. Hester,  
 Referred to the select committee appointed on yesterday.

House bill No. 277. A bill authorizing the State Printer to print, bind, and publish one thousand copies of the laws passed by the present General Assembly, in the German language;  
 Was read a second time, and,  
 On motion by Mr. Hester,  
 Referred to the committee on Printing.

Mr. Eddy presented the petition of St. Clair Parks and twenty others, praying for the passage of a law restraining the sale of intoxicating liquors, similar to that of the State of Maine;

Which,

On his motion,

Was referred to the committee on Temperance.

Mr. Eddy presented the petition of Stephen Benack, of the county of Marshall, praying the confirmation of the title to real estate held by virtue of a treaty between the United States and the Patawatamie Indians of Indiana and Michigan;

Which,

On his motion,

Was referred to the committee on the Judiciary.

Message from the House of Representatives by Mr. Sites their clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following joint resolution of the Senate; No. 170. A joint resolution authorizing the Secretary of State to publish and circulate, "an act to provide for the incorporation railroad companies," with two engrossed amendments;

In which the concurrence of the Senate is respectfully requested.

On motion by Mr. Hester,

The joint resolution and amendments were referred to the committee on Revision.

On motion,

The order of business was suspended; when,

Mr. Longshore offered the following resolution:

*Resolved*, That when the Senate adjourns it will adjourn to meet on Monday morning at half past eight o'clock.

Which was,

On motion by Mr. Slack,  
Laid on the table.

The following message was received from the House of Representatives by Mr. Sites, their clerk.

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate, that the House has passed the following engrossed bill thereof:

No. 296. A bill to provide for filling vacancies in boards of county commissioners until the taking effect of the general law upon this subject.

In which the concurrence of the Senate is respectfully requested.

Which bill was read the first time ; when,

Mr. Secrest moved to suspend the rules and read the bill a second time now ;

Which motion prevailed—ayes 35.

*Those who voted in the affirmative were,*

Senators Allen, Berry, Brugh, Davis, Dawson, Defrees, Delevan, Eddy, Emerson, Goodman, Hanna, Henton, Hester, Hickman, Hicks, Hunt, James, Kinnard, Knowlton, Longshore, Mickle, Miller, Newland, Niblack, Odell, Reid, Saffer, Scobey, Secrest, Slack, Turman, Walker, Washburn, Winstandley, and Witherow.

The bill was read the second time ; when,

Mr. Secrest moved to further suspend the rule and read the bill a third time now ;

Which motion prevailed—ayes 36.

*Those who voted in the affirmative were,*

Senators Allen, Berry, Brugh, Davis, Dawson, Defrees, Delevan, Eddy, Emerson, Goodman, Hanna, Henton, Hester, Hickman, Hicks, Hunt, James, Kinnard, Knowlton, Longshore, Mickle, Miller, Newland, Niblack, Odell, Reid, Saffer, Scobey, Secrest, Slack, Sleeth, Turman, Walker, Washburn, Winstandley, and Witherow.

The bill was then read a third time ; and,

The question then being shall the bill pass ?

It was decided in the affirmative. Ayes 36 ; noes 0.

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*Those who voted in the affirmative were,*

Senators Allen, Berry, Brugh, Davis, Dawson, Defrees, Delevan, Eddy, Emerson, Goodman, Hanna, Henton, Hester, Hickman, Hicks, Hunt, James, Kinnard, Knowlton, Longshore, Mickle, Miller, Newland, Niblack, Odell, Reid, Saffer, Scobey, Secrest, Slack, Sleeth, Turman, Walker, Washburn, Winstandley, and Witherow.

Message from the House of Representatives, by Mr. Sites, their Clerk:

**MR. PRESIDENT:**

I am directed by the House of Representatives to inform the Senate that the House has adopted the following resolution:

*Resolved*, That this House will, the Senate concurring therein, adjourn June the 15th, *sine die*.

In which the concurrence of the Senate is respectfully requested.

Mr. Eddy moved to lay the resolution on the table;

Which was decided in the negative. Ayes 16; noes 19.

The ayes and noes were demanded by Senators Defrees and Winstandley.

*Those who voted in the affirmative were,*

Senators Berry, Davis, Eddy, Emerson, Henton, Hester, Hickman, Hicks, Kinnard, Longshore, Mickle, Niblack, Slack, Turman, Washburn, and Witherow.

*Those who voted in the negative were,*

Senators Allen, Brugh, Dawson, Defrees, Delevan, Goodman, Hanna, Hunt, James, Knowlton, Miller, Newland, Odell, Reid, Saffer, Scobey, Sleeth, Walker, and Winstandley.

Mr. Defrees moved to amend by striking out "the 15th," and inserting "the 10th."

Mr. Hanna moved to amend the amendment as follows:

Add the following to the end of the resolution: "The Senate recommend to the House to attend to the legitimate legislative business before it, and that we will then adjourn on the 10th of June."

On motion by Mr. Miller,

The amendment to the amendment was laid on the table.

Mr. Berry moved to amend the amendment as follows:

"*Provided*, That the legislative business of the session shall be completed."

Mr. Dawson moved to lay the amendment to the amendment on the table.

Mr. Emerson moved to amend the motion so as to lay also the resolution and amendment on the table.

A division of the question was called for.

The President having decided the question divisible,

The first question was, will the Senate lay the amendment to the amendment on the table?

Which was decided in the negative. Ayes 12; noes 23.

The ayes and noes were demanded by Senators Hicks and Berry.

*Those who voted in the affirmative were,*

Senators Alexander, Dawson, Defrees, Goodman, James, Knowlton, Miller, Niblack, Scobey, Sleeth, Walker, and Winstandley.

*Those who voted in the negative were,*

Senators Berry, Brugh, Davis, Delevan, Eddy, Emerson, Hanna, Henton, Hester, Hickman, Hicks, Hunt, Kinnard, Longshore, Mickle, Newland, Odell, Reid, Saffer, Slack, Turman, Washburn, and Witherow.

The amendment to the amendment was adopted.

The amendment as amended was then adopted.

The resolution as amended was not concurred in.

On motion by Mr. Berry,

The Senate adjourned.

2 o'clock, P. M.

The Senate met.

On motion by Mr. Eddy,

Mr. Mickle was called to the chair.

Mr. Winstandley moved a call of the Senate;

Which was ordered.

Senators Berry, Davis, Dawson, Hanna, Hatfield, Hickman, Holloway, Longshore, Marshall, Milliken, Saffer, Secrest, Teegarden, Walker, and Washburn, were absent.

On motion by Mr. Eddy,  
Mr. Todd was excused.

Mr. Hunt moved to excuse Mr. Logan;  
Which was agreed to.

On motion by Mr. Winstandley,  
The absentees were sent for.

On motion of Mr. Delevan,  
Mr. Secrest was excused.

On motion by Mr. Reid,  
Mr. Hickman was excused on account of sickness in his family.

Mr. Slack moved to excuse Mr. Longshore;  
Which motion did not prevail.

Mr. Slack moved to excuse Mr. Niblack;  
Which was not agreed to.

Mr. Defrees moved to suspend the call.  
Which was agreed to.

Mr. Hanna moved to reconsider the vote refusing to concur in the  
resolution of the House, fixing the *sine die* adjournment.

Which motion prevailed.

Mr. Niblack moved to reconsider the vote adopting the amend-  
ment.

Which was not agreed to.

On motion by Mr. Winstandley,  
The resolution was laid on the table.

Mr. Eddy, from the committee on corporations, submitted the fol-  
lowing report;

**MR. PRESIDENT :**

The committee on corporations to whom was referred sundry pe-  
titions and remonstrances, upon subject matters therein related, have  
considered the same and instructed me to report them back with the  
recommendation that they lie upon the table—deeming further legis-  
lation unnecessary.

Which was concurred in.

Mr. Eddy, from the committee on Revision, submitted the follow-  
ing report:

**MR. PRESIDENT :**

The joint committee on Revision, to whom was referred Senate bill  
No. 14, upon the subject of marriage relations, have considered the  
same, and instructed me to report it back, and recommend it be laid  
upon the table, the provisions having been incorporated in another  
bill.

Which was concurred in.

Mr. Eddy, from the committee on Swamp Lands, submitted the  
following report.

MR. PRESIDENT:

The select committee on Swamp Lands to whom was referred a resolution of the Senate, and several petitions on the subject of "Swamp Lands," have considered the same and directed me to report them back, and recommend that they be laid on the table—a bill having passed in accordance with the prayer of the petition.

Which was concurred in.

Mr. Eddy, from the committee on Revision, submitted the following report:

MR. PRESIDENT;

The joint committee on Revision, to whom was referred Senate bill No. 88, "for the taking up of estrays and property of value adrift, report the same back with a recommendation that it lie on the table; a bill on the same subject having been prepared and reported by the committee.

Which was concurred in.

Mr. Longshore moved to suspend the rules and read bill No. 183 a second time now;

Which was decided in the negative. Ayes 19; noes 15.

*Those who voted in the affirmative were,*

Senators Alexander, Brugh, Davis, Delevan, Dougherty, Eddy, Hanna, Henton, Hunt, James, Longshore, Newland, Reid, Saffer, Scobey, Slack, Sleeth, Turman, and Washburn.

*Those who voted in the negative were,*

Senators Allen, Athon, Berry, Defrees, Emerson, Goodman, Hicks, Kendall, Kinnard, Knowlton, Mickle, and Miller.

Mr. Eddy, from the committee on Revision, submitted the following report:

MR. PRESIDENT:

The joint committee on Revision, to whom was referred bill No. 48, of the House, "an act for the sale of county seminaries," report the same back, and recommend its passage.

The accompanying bill was read a second time ; when,  
On motion by Mr. Winstandley,  
The bill was recommitted to the committee on Revision.  
Mr. Eddy, from the committee on Revision, submitted the following report:

**MR. PRESIDENT:**

The joint committee on Revision, to whom was referred House bill No. 170, on the subject of weights and measures, have considered the same and directed me to report it to the Senate and recommend its passage.

The accompanying bill was read a second time ; when,  
Mr. Scobey moved to amend the bill by striking out the words "clerk of the circuit court," wherever they occur and inserting the words "county auditors."

Which was agreed to.

The bill was then ordered to a third reading.

On motion by Mr. Slack,

The Senate adjourned.

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**MONDAY MORNING, }**  
**May 31, 1852. }**

The Senate met.

On motion by Mr. Hester,

Mr. Mickle was called to the chair.

The journal of Saturday was read.

Mr. Kendall presented a petition from the citizens of Benton county, asking the passage of a law legalizing the conveyance by David Watkinson and wife, to the county commissioners of Benton county, of the county seat;

Which,

On motion,

Was referred to the committee on the Judiciary.



## REPORTS SUBMITTED.

By Mr. Eddy, from the committee on Revision:

MR. PRESIDENT:

The committee on Revision, to whom was referred Senate bill No. 98, have had the same under consideration, and have directed me to report it back, and recommend that it be laid on the table, a bill having passed this body upon that subject.

Which was concurred in.

By Mr. Eddy, from the same committee:

MR. PRESIDENT:

The committee on Revision, to whom was referred Senate bill No. 76, relative to the alienation of real estate, &c., report the same back, and recommend that it be laid on the table, inasmuch as the substance of its provisions are embraced in a law prepared and reported by your committee.

Which was concurred in.

By Mr. Eddy, from the same committee:

MR. PRESIDENT:

The committee on Revision, to whom was referred Senate bill No. 65, upon the subject of general and special elections, have had the same under consideration, and directed me to report it back, and recommend that it be laid on the table, the provisions of the same having been already incorporated in a general bill.

Which was concurred in.

By Mr. Eddy, from the committee on Swamp Lands:

MR. PRESIDENT:

The select committee on Swamp Lands, to whom was referred reports from the Auditor and Treasurer of State, in relation thereto, have considered the same, and instructed me to report them back, and recommend that the same be placed in the Documentary journal.

Which was concurred in.

By Mr. Hester, from a select committee:

MR. PRESIDENT:

The select committee to whom was referred House bill No. 286, have had the same under consideration, and have instructed me to report it back with two amendments, and when so amended, they recommend its passage, and they ask to be discharged from the further consideration thereof.

Amend by striking from the enacting clause, and inserting the following:

SEC. —. The commissioners of each county may cause to be paid out of the county treasury a sum not exceeding five dollars, to any person who shall exhibit to them a wolf scalp, and take and subscribe an oath, that the wolf to which such scalp belonged was killed in the county, and that no reward therefor has been paid him out of such treasury, but no more than one dollar and fifty cents shall be paid for the killing of any wolf under the age of six months; and such commissioners shall cause all such scalps thus exhibited to them to be immediately destroyed.

Strike the words "more immediately," from the title.

Which was concurred in, and the bill ordered to a third reading.

By Mr. Hester, from a select committee:

MR. PRESIDENT:

The select committee to whom was referred House bill No. 287, have had the same under consideration, and have directed me to report it back, and recommend that it be laid on the table, and they ask to be discharged from the further consideration thereof.

Which was not concurred in.

Mr. Hester moved to amend by striking out the words "or dogs," in the first line of the first section; when,

On motion by Mr. Saffer,

The bill and pending amendment were referred to the committee on Agriculture.

By Mr. Hester, from the select committee on Revision:

MR. PRESIDENT:

The joint committee on Revision, to whom was referred House bill No. 48, have had the same under consideration, and have directed me to report it back with four amendments, which they recommend to be adopted, when they recommend the passage of the bill, and they ask to be discharged from the further consideration thereof.

1st. Amend by striking out the words "or individuals," in the 2d and 7th lines of section 13, and by inserting after the word "of," in the 3d line of the same section, the words "any of."

2d. Strike out the word "their," in the 8th line of the 13th section, and insert "his."

3d. Add the following section after section 13:

SEC. —. When any such real estate has been donated for the use and benefit of a county seminary, the county commissioners, before such real estate is offered for sale as herein provided, shall extinguish the donor's title by purchase, if they deem it expedient, or they may direct the sale to be made with condition that the purchaser shall extinguish such title as a part of the consideration of the purchase.

4th. Strike out section 15.

The amendments were concurred in; when,

On motion by Mr. Berry,

The bill and amendments were laid on the table.

By Mr. Hanna, from a select committee:

MR. PRESIDENT:

The select committee to whom was referred House bill No. 45, have had the same under consideration, and have amended the same in accordance with the instructions adopted by the Senate, and herewith report the same back with said amendments:

1st. Amend the 5th section by inserting after the word "stated" in next to the last line of said section, the following: "in all prosecutions against the employers of negroes or mulattoes, unless it is shown that said employer had notice that the same was obtained by fraud or other undue means, or was not genuine; and the same shall be *prima facie* evidence only in all other cases."

2d—

SEC. —. Any negro or mulatto who shall come into or settle in this State, contrary to and in violation of the provisions of the Constitution and of the first section of this act, shall be fined in any sum not less than ten nor more than five hundred dollars.

Which were concurred in.

The bill having been read a third time,

The question being, shall the bill pass?

It failed for the want of a constitutional majority—ayes 23, noes 11.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Athon, Delevan, Dougherty, Eddy,

Emerson, Hanna, Henton, Hester, James, Mickle, Miller, Newland, Niblack, Saffer, Scobey, Sleeth, Turman, Walker, Washburn, Winstandley, and Witherow.

*Those who voted in the negative were,*

Senators Berry, Defrees, Goodman, Hicks, Holloway, Hunt, Kendall, Kinnard, Knowlton, Reid, and Teegarden.

Mr. Sleeth moved to suspend the order of business :

Which was agreed to.

When,

Mr. Sleeth, from the committee on Benevolent Institutions of the State, submitted the following report :

MR. PRESIDENT :

The committee on Benevolent Institutions, to whom was referred House bill No. 95, "a bill to provide for the enlargement of the Indiana Hospital for the Insane," have had the subject under consideration, and a majority thereof have directed me to report the same back to the Senate with one amendment, and after the adoption thereof, recommend its passage.

Amend as follows :

Strike out all after the word "act" in the 7th line of the 3d section.

Which amendment was concurred in and ordered to be engrossed, and the bill ordered to a third reading.

#### BILLS INTRODUCED.

By Mr. Emerson :

No. 185. A bill fixing the salaries of public officers, and prescribing the manner of paying the same ;

Which was read a first time and passed to a second reading.

#### ORDERS OF THE DAY.

*Bills on their third reading.*

House bill No. 170. A bill for the regulation of weights and measures ;

Was read a third time, when

Mr. Saffer moved to refer it to the committee on Agriculture ;

Which was not agreed to.

The question then being, shall the bill pass; It was decided in the affirmative. Ayes 36; noes 2.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Athon, Berry, Davis, Dawson, Defrees, Delevan, Dougherty, Eddy, Emerson, Goodman, Hanna, Henton, Hester, Hicks, Holloway, Hunt, James, Kendall, Kinnard, Knowlton, Longshore, Mickle, Miller, Newland, Niblack, Reid, Scobey, Sleeth, Teegarden, Turman, Walker, Washburn, Winstandley and Witherow.

Senators Odell and Saffer voted in the negative.

#### BILLS ON THEIR SECOND READING.

House bill No. 309. A bill concerning enclosures, trespassing animals, and partition fences;

Was read a second time and ordered to a third reading.

Senate bill No. 183. A bill to repeal an act entitled "an act to incorporate the town of Indianapolis, approved Jan. 26, 1847, and all acts supplemental thereto or amendatory thereof;

Was read a second time; when,

Mr. Eddy moved to lay it on the table;

Which was not agreed to.

The bill was then ordered to be engrossed for a third reading.

Senate bill No. 184. A bill to repeal an act incorporating the town of Huntington;

Was read a second time and ordered to be engrossed for a third reading.

Mr. Berry moved to take from the table House bill No. 48. A bill for the sale of county seminaries and the property belonging thereto, and to transfer the proceeds thereof to the common school fund;

Which was agreed to, when,

Mr. Berry moved to

Insert after the word "same" in the 8th line of section 13, the following words—

"In proportion to the amount paid by each *pro rata* with the amount expended for the same objects out of the seminary funds."

Also, add to the end of the same section these words, "if de-

manded within two years, but if not so demanded, it shall constitute a portion of the common school fund."

Which amendment was adopted.

The bill was ordered to a third reading.

Message from the House of Representatives by Mr. Sites, their Clerk :

**MR. PRESIDENT :**

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof:

No. 183. An act relative to the acknowledgment and recording of deeds heretofore made and recorded ;

In which the concurrence of the Senate is respectfully requested.

The accompanying bill was read a first time and passed to a second reading.

Message from the House of Representatives, by Mr. Sites, their Clerk :

**MR. PRESIDENT :**

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof:

No. 281. An act extending the admissibility of records in evidence ;

In which the concurrence of the Senate is respectfully requested.

The accompanying bill was read a first time and passed to a second reading.

Message from the House of Representatives by Mr. Sites, their clerk ;

**MR. PRESIDENT :**

I am directed by the House of Representatives to inform the Senate that the House recedes from its disagreement to engrossed amendments of the House to engrossed bill of the Senate, No. 152, "A bill prescribing certain misdemeanors punishable only by a justice of the peace."

Also the following message was received from the House of Representatives, by Mr. Sites their clerk ;

MR. PRESIDENT:

I am directed by the House, to inform the Senate that the House has concurred in the report of the committee of free conference on Senate bill No. 138, a bill providing for the election of clerks of the Circuit Court, and prescribing some of their duties." And the House recedes from so much of engrossed amendment, as refers to "Stationary" and insists on that part which refers to extra services."

In which the concurrence of the Senate is respectfully requested.

On motion by Mr. Hester,

The Senate receded from their amendment.

On motion by Mr. Scobey,

The Senate adjourned.

2 o'clock, P. M.

The Senate met.

Hon. James H. Lane, Lieutenant Governor, in the chair.

The special order of the day, House bill,

No. 137. A bill to provide for a general and uniform system of common schools, and school libraries, and matters properly connected therewith, was taken up; when,

On motion by Mr. Davis,

The order of business was suspended.

On motion by Mr. Davis,

The vote on the passage of House bill No 170,

Was reconsidered.

On motion by Mr. Davis,

The bill was referred to a select committee.

Senators Davis, Odell and Holloway were appointed said committee.

The consideration of the special order of the day was then resumed.

The question was, will the Senate strike out the congressional township fund?

Mr. Hester moved a call of the Senate;

Which was ordered.

Mr. Defrees moved to dispense with the further call;

Which was not agreed to.

The question being, will the Senate strike out the congressional township fund?

It was decided in the negative. Ayes 21; noes 24.  
The ayes and noes were demanded by Senators Scobey and Athon.

*Those who voted in the affirmative were,*

Senators Alexander, Berry, Dawson, Defrees, Eddy, Hanna, Henton, Hester, Hicks, Holloway, Hunt, James, Logan, Marshall, Mickle, Newland, Reid, Scobey, Sleeth, Spann, and Teegarden.

*Those who voted in the negative were,*

Senators Allen, Athon, Brugh, Delevan, Dougherty, Emerson, Goodman, Kendall, Kinnard, Knowlton, Longshore, Miller, Milliken, Niblack, Odell, Saffer, Secrest, Slack, Todd, Turman, Walker, Washburn, Winstandley and Witherow.

The following message was received from the House of Representatives by Mr. Sites their clerk.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the Speaker has signed the following enrolled bill thereof No. 296, which I am directed to bring to the Senate for the signature of the President thereof;

Whereupon the President signed the same.

Message from the House of Representatives by Mr. Sites their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the Speaker has signed the following enrolled bills thereof, Nos. 155, 271, and 257, which I am directed to bring to the Senate for the signature of the President thereof.

The following message was received from His Excellency, the Governor, by Mr. King, his private secretary:

MR. PRESIDENT:

I am directed by the Governor to inform the Senate that he has approved and signed the following bills, to-wit:

No. 161. An act declaring certain persons privileged from arrest on civil process.

No. 157. An act authorizing the appointment, and prescribing



the powers of commissioners in other States to take acknowledgments of deeds, and other instruments, and depositions.

No. 135. An act to regulate the toll of grist mills, and prescribing certain duties of millers.

No. 141. An act to provide for the election, and prescribing certain duties of recorders.

No. 114. A joint resolution in relation to declaring the bridge over the Ohio river, at Wheeling, a post route.

No. 158. An act declaring the law governing this State.

No. 160. An act touching the marriage relation, and liabilities incident thereto.

No. 59. An act to authorize the boards doing county business to declare water courses navigable.

No. 132. An act prescribing the manner of compelling officers to give new bonds, and additional sureties.

No. 64. An act authorizing any company, heretofore organized under the provisions of any general or special law of this State, for the purpose of constructing a plank, turnpike, gravel, McAdamized, or coal road, to construct a rail road, instead of such turnpike, gravel, plank, McAdamized, or coal road, and prescribing the manner in which such change may be made.

No. 150. An act to repeal an act entitled "An act for the relief of Michael Grannin, Jr., of Daviess county," approved Feb. 13, 1851.

No. 120. An act prescribing who may make a will, the effect thereof, what may be devised, regulating the revocation, admission to probate, and contest thereof.

All of which originated in the Senate.

On motion by Mr. Athon,  
The Senate adjourned.

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TUESDAY MORNING, }  
June 1st, 1852. }

The Senate met.

On motion by Mr. Hester,  
Mr. Mickle was called to the chair.

The journal of yesterday was read.

On motion by Mr. Emerson,  
The order of business was suspended.

The following message was received from the House of Representatives, by the Mr. Sites, their Clerk:

MR. PRESIDENT:

I am directed by the House to inform the Senate that the House insists on its engrossed amendments to engrossed bill of the Senate No. 169; "A bill to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State," &c., and has appointed Messrs. Holman and Stanfield a committee of free conference on the part of the House, to act with a similar committee on the part of the Senate.

In which the concurrence of the Senate is respectfully requested.

Mr. Emerson moved that the Senate recede from their disagreement to House amendments Nos. 8, 9, 11, 13, 14, 19 and 21;

Which was agreed to.

Mr. Secrest moved that the Senate recede from their disagreement to House amendments Nos. 5 and 6;

Which was decided in the negative. Ayes 18; noes 24.

The ayes and noes were demanded by Senators Secrest and Hunt.

*Those who voted in the affirmative were,*

Senators Dawson, Dougherty, Hicks, Holloway, James, Kendall, Kinnard, Logan, Longshore, Miller, Niblack, Odell, Reid, Saffer, Scobey, Secrest, Todd, and Witherow.

*Those who voted in the negative were,*

Senators Alexander, Allen, Athon, Berry, Brugh, Defrees, Delevan, Eddy, Emerson, Goodman, Henton, Hester, Hunt, Knowlton, Mickle, Milliken, Newland, Slack, Sleeth, Spann, Teegarden, Walker, Washburn, and Winstandley.

Mr. Emerson moved that the Senate insist on their disagreement to House amendments Nos. 1, 2, 5, 6, 10, 12, 16, 17, 28, 31 and 32;

Which motion prevailed.

Mr. Emerson moved that a committee of free conference be appointed;

Which was agreed to, when,

Senators Emerson and Hester were appointed said committee.

## PETITIONS PRESENTED.

By Mr. Milliken:

From 25 ladies of Dearborn county, on the subject of temperance;

Which,

On his motion,

Was referred to the committee on that subject.

By Mr. Athon:

A proposition from Andrew Fite and Loyd White to furnish an engine to the State Prison;

Which,

On his motion,

Was referred to the committee on the State prison.

## REPORTS SUBMITTED.

By Mr. Hanna, from the committee on the Judiciary:

MR. PRESIDENT:

The committee on the Judiciary, to whom was referred the petition of citizens of Ripley county, in reference to the valuation of the real estate of said county, have had the same under consideration, and have directed me to report the same back and recommend that it be laid on the table, as we have already passed a bill in regard to equalization.

Which was concurred in.

By Mr. Holloway, from the committee on Printing:

MR. PRESIDENT:

The committee on Printing, to whom was referred bill of the House No. 277, entitled "an act to authorize the State Printer to print, bind, and publish one thousand copies of the laws passed by the present General Assembly in the German language, have had the same under consideration, and have directed me to report the same back to the Senate, and recommend that it be laid on the table.

Which was concurred in.

By Mr. Hester, from the joint select committee on Revision:

MR. PRESIDENT:

The joint select committee on Revision have directed me to report the accompanying bill "providing for the organization of county boards, and prescribing some of their powers and duties," the passage of which they recommend, and they ask to be discharged from the further consideration thereof.

The accompanying bill was read the first time and passed to a second reading.

By Mr. Eddy, from the same committee:

MR. PRESIDENT:

The joint committee on Revision, to whom was referred Senate bill No. 61, for the suppression of tippling houses, have considered the same, and directed me to report it back, and recommend that it be laid on the table.

Which was concurred in.

By Mr. Eddy, from same committee:

MR. PRESIDENT:

The joint committee on Revision, to whom was referred Senate bill No. 60, in relation to the assessment and valuation of personal property, &c., have had the same under consideration, and have instructed me to report it back to the Senate and recommend that it be laid on the table.

Which was concurred in.

By Mr. Eddy, from the committee on Revision:

MR. PRESIDENT:

The joint committee on Revision, to whom was referred Senate bill No. 49, in relation to swamp lands, have considered the same and directed me to report it back, and recommend that it be laid on the table—a bill having passed the Senate upon that subject.

Which was concurred in.

By Mr. Hester, from the same committee.

MR. PRESIDENT:

The joint select committee on Revision to whom was referred

House bill No. 40, have had the same under consideration, and have directed me to report it back, and recommend that it be laid on the table, and they ask to be discharged from the further consideration thereof.

Which was concurred in.

By. Mr. Niblack, from the committee on corporations :

MR. PRESIDENT:

The committee on corporations, to whom was referred Senate bill No. 180, entitled "General provisions in relation to railroad companies" have had the same under consideration, and have made one amendment thereto, upon the adoption of which they recommend its passage.

Strike out section 9 and in lieu thereof the following—

SEC. —. It shall be lawful for any railroad company, at a regular or called meeting of the stockholders thereof, by a majority vote in interest represented at such meeting, either in person or by proxy to determine the number of the directors of such company, and reduce the number to not less than seven, or increase the same to not more than thirteen as such meeting shall deem proper, the proceedings of such meeting shall be certified by three or more stockholders present, to the secretary of such company, who shall record the same in the proper books of the company; and thereafter the number of directors shall be fixed upon by resolution of such meeting.

The amendment of the committee was concurred in and the bill ordered to be engrossed.

#### ORDERS OF THE DAY.

Mr. Secrest moved a call of the Senate.

Which was ordered.

Senators Hatfield, Henton, Hickman, Hunt, Marshall, Slack and Turman were absent.

On motion,

The absentees were sent for.

Mr. Slack moved to suspend the call.

Which motion did not prevail.

On motion by Mr. Sleeth,

The call was suspended.

On motion by Mr. Secrest,

House bill No. 45. A bill to enforce the 13th article of the constitution was taken up.

The question being, shall the bill pass?

It was decided in the affirmative. Ayes 31, noes 14.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Athon, Brugh, Davis, Dawson, Delevan, Dougherty, Eddy, Emerson, Goodman, Hanna, Henton, Hester, James, Logan, Mickle, Miller, Newland, Niblack, Saffer, Scobey, Secrest, Slack, Sleeth, Spann, Todd, Walker, Washburn, Winstandley, and Witherow. 31

*Those who voted in the negative were,*

Senators Berry, Defrees, Hickman, Hicks, Holloway, Kendall, Kinnard, Knowlton, Longshore, Marshall, Milliken, Odell, Reid, and Teegarden. 14

The consideration of House bill No. 137 pending at the adjournment on yesterday;

Was resumed; when,

Mr. Niblack moved to strike out section 147, being that portion in relation to the distribution of county libraries.

Mr. Winstandley moved to amend the amendment by striking out that portion of the bill in relation to township libraries.

Mr. Defrees moved to lay the amendment to the amendment on the table.

Which was decided in the affirmative. Ayes 29; noes 14.

The ayes and noes were demand by Senators Defrees and Winstandley.

*Those who voted in the affirmative were,*

Senators Alexander, Athon, Brugh, Defrees, Delevan, Eddy, Emerson, Goodman, Henton, Hickman, James, Kinnard, Knowlton, Logan, Longshore, Marshall, Mickle, Milliken, Niblack, Odell, Saffer, Scobey, Secrest, Slack, Sleeth, Spann, Teegarden, Todd, and Walker.

*Those who voted in the negative were,*

Senators Allen, Berry, Davis, Dawson, Dougherty, Hanna, Hicks, Holloway, Kendall, Newland, Reid, Washburn, Winstandley, and Witherow.

The question recurring on the adoption of the amendment;  
It was decided in the affirmative—ayes 23, noes 20.

The ayes and noes were demanded by Senators Niblack and Marshall.

*Those who voted in the affirmative were,*

Senators Athon, Brugh, Defrees, Dougherty, Eddy, Emerson, Henton, Hickman, Holloway, James, Kinnard, Marshall, Newland, Niblack, Odell, Secrest, Spann, Teegarden, Todd, Walker, Washburn, Winstandley, and Witherow.

*Those who voted in the negative were,*

Senators Alexander, Allen, Berry, Davis, Dawson, Delevan, Goodman, Hanna, Hicks, Kendall, Knowlton, Logan, Longshore, Mickle, Milliken, Reid, Saffer, Scobey, Slack and Sleeth.

Mr. Defrees moved to add to section 141 in the last line after the word "township" the words "in proportion to the number of scholars in each from time to time;"

Which motion prevailed.

Mr. Brugh moved to strike out the words "and fifty cents," wherever they occur in section ten.

Which motion prevailed.

Mr. Slack moved to strike out the words "first session after the first day of March," in the 1st and 2d lines of section 65, and insert the words "March session."

Which motion prevailed.

Mr. Winstandley moved to strike out that portion of section —, which provides for a tax for township libraries.

Mr. Eddy moved to lay the amendment on the table ;

Which motion prevailed—ayes 27, noes 17

The ayes and noes were demanded by Senators Holloway and Allen.

*Those who voted in the affirmative were,*

Senators Alexander, Athon, Brugh, Davis, Defrees, Delevan, Delevan, Eddy, Emerson, Henton, Hickman, James, Kendall, Kinnard, Knowlton, Logan, Longshore, Mickle, Milliken, Odell, Saffer, Secrest, Slack, Teegarden, Todd, Walker, and Washburn.

*Those who voted in the negative were,*

Senators Allen, Berry, Dawson, Dougherty, Goodman, Hanna, Hicks, Holloway, Hunt, Marshall, Newland, Niblack, Reid, Scobey, Spann, Winstandley, and Witherow.

Mr. Niblack moved to add after the word "certificate," in the 1st line of section 113, the following:

"Or any certificate for the sale of school lands heretofore issued."

Add, also, at the end of said section, the following:

"Disregarding, in cases relating to certificates heretofore issued, any informality in the assignment, or acknowledgment of the assignment of such certificates, or any omission in the record of any such assignment or acknowledgment."

Which motion did not prevail.

Mr. Slack moved to strike out the 22d section, and insert the following:

SEC. —. When a tax shall be voted by the qualified voters of the township at any general or special meeting thereof, it shall be the duty of the said trustees to file with the auditor of the county, within ten days after the said assessment is made, a copy of the resolution adopted by the voters of the township, specifying the amount of the tax ordered to be levied.

Which motion did not prevail.

Mr. Slack moved to add after the 148th section the following:

SEC. 149. It shall be the duty of the Secretary of State to cause ten thousand copies of this act to be printed and bound in cheap substantial binding containing a complete set of forms as prescribed by the Superintendent of Public Instruction, with a full and perfect index thereto; and shall cause the same to be distributed at the time the laws are distributed, to every county in this State, not less than six copies for each township in the county.

Which motion did not prevail—ayes 16, noes 24.

The ayes and noes were demanded by Senators Slack and Washburn.

*Those who voted in the affirmative were,*

Senators Athon, Brugh, Dawson, Delevan, Emerson, Kinnard, Marshall, Mickle, Miller, Niblack, Secrest, Slack, Spann, Teegarden, Todd, and Witherow.

*Those who voted in the negative were,*

Senators Alexander, Allen, Berry, Defrees, Dougherty, Eddy, Goodman, Hanna, Henton, Hester, Hickman, Hicks, Holloway, Hunt, James, Knowlton, Logan, Milliken, Odell, Reid, Scobey, Walker, Washburn, and Winstandley.

Mr. Winstandley offered the following additional section:

SEC. —. That if the township trustees deem it expedient, they may establish a German school in such township, which shall be free to the children of such township.



Mr. Niblack moved to amend the amendment by inserting after the word "German" the words "or French."

Mr. Eddy moved to lay the amendment to the amendment on the table ;

Which was not agreed to.

The question being, will the Senate adopt the amendment to the amendment ?

It was decided in the affirmative.

Mr. Mickie moved to amend the amendment by adding the following proviso :

*Provided*, The same can be done without prejudice to any person desiring an English education.

On motion by Mr. Niblack,

The amendment to the amendment was laid on the table.

Mr. Eddy moved to reconsider the vote inserting the words "or French."

Which was agreed to.

The question being on the adoption of the amendment to the amendment, proposing to insert after the word "German" the words "or French ;"

It was decided in the affirmative—ayes 25, noes 19.

The ayes and noes were demanded by Senators Athon and Niblack.

*Those who voted in the affirmative were,*

Senators Alexander, Athon, Berry, Brugh, Davis, Dawson, Delevan, Dougherty, Goodman, Henton, Hester, Hicks, Holloway, Kindard, Knowlton, Logan, Longshore, Milliken, Niblack, Slack, Sleeth, Spann, Washburn, Winstandley, and Witherow.

*Those who voted in the negative were,*

Senators Allen, Defrees, Eddy, Emerson, Hickman, Hunt, James, Marshall, Mickie, Miller, Newland, Odell, Reid, Saffer, Scobey, Secrest, Teegarden, Todd, and Walker.

The question being, shall the amendment as amended be adopted?

It was decided in the affirmative ; ayes 23, noes 19.

The ayes and noes were demanded by Senators Berry and Miller.

*Those who voted in the affirmative were,*

Senators Berry, Dawson, Defrees, Dougherty, Eddy, Emerson, Hester, Hickman, Hicks, Holloway, Logan, Marshall, Mickie, Niblack, Reid, Scobey, Slack, Sleeth, Spann, Todd, Walker, Winstandley, and Witherow.

*Those who voted in the negative were,*

Senators Alexander, Allen, Athon, Brugh, Davis, Delevan, Goodman, Henton, James, Kinnard, Knowlton, Miller, Milliken, Newland, Odell, Saffer, Secrest, Teegarden, and Washburn.

Mr. Hicks moved to recommit the bill to the committee on education, with instructions.

1. To strike out all in relation to township trustees.

2. To provide for districting the several counties into suitable and convenient School districts, without regard to township lines, and for the election of one trustee for each district, his duties, and compensation.

3. To make such other amendments as may be necessary to perfect and harmonize the several parts of the bill.

A division of the question being called for, and the President having decided the question divisible, the first question was, will the Senate recommit the bill?

Which was decided in the negative—ayes 14, noes 29.

The ayes and noes were demanded by Senators Hicks and Eddy.

*Those who voted in the affirmative were,*

Senators Allen, Berry, Dawson, Defrees, Henton, Hickman, Hicks, Holloway, Knowlton, Niblack, Reid, Scobey, Spann, and Witherow.

*Those who voted in the negative were,*

Senators Alexander, Athon, Brugh, Davis, Delevan, Dougherty, Eddy, Emerson, Goodman, Hunt, James, Kinnard, Logan, Longshore, Marshall, Mickle, Miller, Milliken, Newland, Odell, Saffer, Secrest, Slack, Sleeth, Teegarden, Todd, Walker, Washburn, and Winsteadley.

Mr. Dawson offered the following amendment:

*Provided,* That the trustees shall not levy or assess any tax until they shall have first procured the consent thereto of a majority of the legal voters resident in such township.

On motion by Mr. Mickle,

The Senate adjourned.

2 o'clock, P. M.

The Senate met.

The consideration of the question pending at the adjournment, being an amendment proposed by Mr. Dawson to House bill No. 137, Was resumed; when

On motion by Mr. Mickle,

The amendment was laid on the table.

Mr. Niblack moved to recommit the bill with the following instructions:

Amend so that when any parent or guardian may not desire to educate his or her child or ward in the manner and according to the rules prescribed in any system of public schools established under this act, such parent or guardian may be permitted to draw from the public school fund such proportion of the same as such child or ward may be equitably entitled to for educational purposes, to be expended in the education of such child or ward, in such manner and at such school as such parent or guardian may prefer, subject to such regulations as may be prescribed by law.

Mr. Niblack moved a call of the Senate;

Which was ordered.

On motion,

The call was suspended.

The question being, will the Senate recommit the bill with the instructions proposed?

A division of the question was called for; and

The President having decided the question divisible,

The first question was, will the Senate recommit?

Which was decided in the negative. Ayes 18; noes 29.

The ayes and noes were demanded by Senators Secrest and Niblack.

*Those who voted in the affirmative were,*

Senators Allen, Berry, Dawson, Defrees, Hanna, Hester, Hickman, Hicks, Holloway, Marshall, Mickle, Niblack, Reid, Scobey, Sleeth, Spann, Teegarden, and Witherow.

*Those who voted in the negative were,*

Senators Alexander, Athon, Brugh, Davis, Delevan, Dougherty, Eddy, Emerson, Goodman, Henton, Hunt, James, Kendall, Kinnard, Knowlton, Logan, Longshore, Miller, Milliken, Newland, Odell, Saffer, Secrest, Slack, Todd, Turman, Walker, Washburn, and Winstandley.

Mr. Reid moved to add to section eight the following proviso:

*Provided*, Said board shall not employ any teacher unless by and with the consent of a majority of the voters of the district in which said teacher is to be employed to teach, which consent shall be taken by a vote of said voters at a public meeting called for this purpose, whenever a remonstrance in writing is presented against the employment of the teacher intended:

Mr. Secrest moved to lay the amendment on the table;

Which was decided in the affirmative. Ayes 28; noes 18.

The ayes and noes were demanded by Senators Reid and Hicks.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Brugh, Davis, Delevan, Dougherty, Emerson, Goodman, Henton, Holloway, Kendall, Kinnard, Longshore, Mickle, Miller, Milliken, Niblack, Odell, Saffer, Scobey, Secrest, Slack, Teegarden, Todd, Turman, Walker, Washburn, and Winstandley.

*Those who voted in the negative were,*

Senators Allen, Berry, Dawson, Defrees, Hanna, Hester, Hickman, Hicks, Hunt, James, Knowlton, Logan, Marshall, Newland, Reid, Sleeth, Spann, and Witherow.

Mr. Hunt moved to strike out of the 1st section the word "ten," and insert in lieu thereof the word "six."

A division of the question being called for, and the President having decided the question divisible, the first question was, will the Senate strike out?

Which was decided in the negative. Ayes 16; noes 31.

The ayes and noes were demanded by Senators Reid and Berry.

*Those who voted in the affirmative were,*

Senators Allen, Berry, Dawson, Defrees, Hanna, Hester, Hicks, Hickman, Holloway, Hunt, Logan, Newland, Reid, Spann, Winstandley and Witherow.

*Those who voted in the negative were,*

Senators Alexander, Athon, Brugh, Davis, Delevan, Dougherty, Eddy, Emerson, Goodman, Henton, James, Kendall, Kinnard, Knowlton, Longshore, Marshall, Mickle, Miller, Milliken, Niblack, Odell, Saffer, Scobey, Secrest, Slack, Sleeth, Teegarden, Todd, Turman, Walker, and Washburn.

Mr. Slack moved to strike out of section 69 the following words: "two and a half per cent. on all interest received and disbursed," in the 2d and 3d lines, and insert in lieu thereof the following: "one half of one per cent. on the amount of the principal of the school fund upon which interest has been paid.

Which was not agreed to.

The question being, shall the amendment be engrossed and the bill ordered to a third reading?

It was decided in the affirmative—ayes 24, noes 22.

The ayes and noes were demanded by Senators Niblack and Marshall.

*Those who voted in the affirmative were,*

Senators Athon, Brugh, Davis, Delevan, Dougherty, Emerson, Goodman, Kendall, Kinnard, Knowlton, Longshore, Mickle, Miller, Milliken, Odell, Saffer, Secrest, Slack, Teegarden, Todd, Turman, Walker, Washburn, and Witherow.

*Those who voted in the negative were,*

Senators, Alexander, Allen, Berry, Dawson, Defrees, Eddy, Hanna, Henton, Hester, Hickman, Hicks, Holloway, James, Logan, Marshall, Newland, Niblack, Reid, Scobey, Sleeth, Spann, and Winstandley.

#### BILLS ON THEIR THIRD READING.

No. 183. A bill to repeal an act, entitled an act, to incorporate the town of Indianapolis;

Was read a third time, when

Mr. Todd moved to refer the same to a select committee

Which motion did not prevail.

The question then being, shall the bill pass?

It was decided in the negative; ayes 12, noes 32.

*Those who voted in the affirmative were,*

Senators Alexander, Brugh, Davis, Dougherty, Emerson, Hanna, Holloway, Longshore, Newland, Niblack, Slack, and Sleeth.

*Those who voted in the negative were,*

Senators Allen, Athon, Berry, Defrees, Delevan, Eddy, Goodman, Hester, Hickman, Hicks, Hunt, James, Kendall, Kinnard, Knowl-

ton, Logan, Marshall, Mickle, Miller, Milliken, Odell, Reid, Saffer, Scobey, Secrest, Spann, Teegarden, Todd, Walker, Washburn, Winstandley, and Witherow.

No. 184. A bill to repeal an act to incorporate the town of Huntington;

Was read a third time, and,  
On motion by Mr. Slack,  
Laid on the table.

House bill No. 95. A bill to provide for the enlargement of the Indiana Hospital for the Insane;

Was read a third time and passed—ayes 32; Noes 14.

*Those who voted in the affirmative were,*

Senators Allen, Athon, Brugh, Defrees, Delevan, Eddy, Emerson, Henton, Hester, Hickman, Hicks, Holloway, Kendall, Knowlton, Longshore, Marshall, Mickle, Milliken, Newland, Niblack, Odell, Saffer, Scobey, Secrest, Sleeth, Teegarden, Todd, Turman, Walker, Washburn, Winstandley and Witherow.

*Those who voted in the negative were,*

Senators Alexander, Berry, Dawson, Dougherty, Goodman, Hanna, Hunt, James, Kinnard, Logan, Miller, Reid, Slack, and Spann.

House bill No. 286. A bill to encourage more effectually the destruction of wolves;

Was read a third time and passed. Ayes 40; noes 6.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Athon, Berry, Brugh, Dawson, Defrees, Delevan, Eddy, Emerson, Goodman, Henton, Hester, Hickman, Hicks, Holloway, Hunt, James, Kendall, Kinnard, Knowlton, Logan, Longshore, Mickle, Miller, Newland, Niblack, Reid, Saffer, Secrest, Slack, Sleeth, Spann, Teegarden, Todd, Turman, Walker, Washburn, Winstandley, and Witherow.

*Those who voted in the negative were,*

Senators Davis, Dougherty, Marshall, Milliken, Odell, and Scobey.

Senate bill No. 168. A bill authorizing the sinking of a cistern in the State House square;

Was read a third time and passed. Ayes 26; noes 20.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Athon, Brugh, Defrees, Delevan, Eddy, Henton, Kendall, Kinnard, Knowlton, Longshore, Miller, Milliken, Odell, Reid, Saffer, Secrest, Slack, Spann, Teegargen, Todd, Walker, Washburn, Winstandley and Witherow.

*Those who voted in the negative were,*

Senators Berry, Davis, Dawson, Dougherty, Emerson, Goodman, Hester, Hickman, Hicks, Holloway, Hunt, James, Logan, Marshall, Mickle, Newland Niblack, Scobey, Sleeth and Turman.

House bill No. 48. A bill to provide for the sale of county seminaries, and the property belonging thereto, and to transfer the proceeds thereof to the common school fund;

Was read a third time and passed—ayes 37, noes 6.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Athon, Berry, Brugh, Davis, Defrees, Delevan, Dougherty, Eddy, Emerson, Goodman, Henton, Hester, Hickman, Hicks, Holloway, Hunt, James, Kendall, Kinnard, Knowlton, Logan, Longshore, Mickle, Newland, Niblack, Reid, Saffer, Scoby, Secrest, Sleeth, Spann, Todd, Washburn, Winstandley and Witherow.

*Those who voted in the negative were,*

Senators Marshall, Miller, Milliken, Odell, Teegarden and Walker.

On motion by Mr. Eddy,

The vote on the passage of Senate bill No. 168, was reconsidered;

On motion by Mr. Eddy,

The bill was referred to a select committee.

Senators Eddy, Todd, Sleeth, Hicks, and Milliken were appointed said committee.

Honse bill No. 209. A bill concerning enclosures, trespassing animals and partition fences;

Was read a third time, and passed—ayes 33, noes 2.

*Those who voted in the affirmative were,*

Senators Allen, Athon, Berry, Brugh, Davis, Defrees, Delevan, Eddy, Emerson, Goodman, Henton, Hester, Hickman, Hicks, Holloway, Hunt, James, Knowlton, Longshore, Marshall, Mickle, Milliken, Newland, Niblack, Odell, Saffer, Scobey, Sleeth, Spann, Todd, Walker, Winstandley and Witherow.

Senators Alexander and Teegarden voted in negative.

#### **BILLS ON THEIR SECOND READING.**

House bill No 183. A bill relative to the acknowledgment and recording of deeds heretofore made and recorded.

Was read a second time; and,

On motion by Mr. Mickle,

Was referred to the committee on Revision.

House bill No. 281. A bill extending the admissibility of records in evidence;

Was read a second time; when,

Mr. Hester moved to add the following sections:

SEC. —. That any deed or mortgage of real estate heretofore executed for any lands within this State and acknowledged by the maker before any public officer of this or any other State not authorized to take acknowledgments, may be proved by the oath of such officer, or if he be dead, insane, or out of the State, by proof of his hand writing in the same manner as if such officer had been a subscribing witness to such deed or mortgage and such deed or mortgage shall be admitted to record where the land may lie.

SEC. —. All deeds recorded within this State the record whereof is or may be thirty years old shall be taken and deemed to have been legally admitted to record without regard to any informality or illegality in the acknowledgment of the same, and such record may be given in evidence in the same manner as the record of deeds acknowledged and recorded in due form of law, reserving to all intermediate grantees all rights of priority they may have acquired by having their deeds duly acknowledged and recorded.

Which motion prevailed.

The amendments were ordered to be engrossed and the bill ordered to a third reading.

Senate bill No. 185. A bill fixing the salaries of public officers, and prescribing the manner of paying the same;

Was read the second time, when

Mr. Emerson moved to amend by striking out \$400 as the salary of the private secretary of the Governor, and inserting \$500 00.

Which motion prevailed.



Mr. Eddy moved to postpone the further consideration of the bill until Wednesday, June 2d, (to-morrow,) and that it be made the special order for 2 o'clock of that day.

Which motion prevailed.

The following message was received from the House of Representatives, by Mr. Sites, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill of the Senate:

No. 162. "An act for the prevention of frauds and perjuries, and requiring certain contracts to be in writing, and declaring certain conveyances, assignments, contracts and mortgages, void,"

Without amendment.

Also, Joint Resolution No. 102. "A joint resolution memorializing Congress to pass an act placing assistant surgeons appointed by commanding officers of the U. S. army, during the war with Mexico, on the same footing as to bounty land and extra pay, as regularly commissioned surgeons."

Also, No. 163. "An act authorizing proceedings to try the right of property, seized by virtue of any writ of execution or attachment, and claimed by any person other than the execution or attachment defendant."

Also, No. 149. "A bill for the incorporation of towns, defining their powers, providing for the election of the officers thereof, and declaring their duties,"

With sundry engrossed amendments;

In which the concurrence of the Senate is respectfully requested. The amendments of the House were concurred in.

Also, the following message:

MR. PRESIDENT:

I am directed by the House to inform the Senate that the House has concurred in the first and third engrossed amendments of the Senate to engrossed bill of the House No. 254, "An act fixing the per diem and mileage of the members of the General Assembly," and has concurred in the second engrossed amendment, with an engrossed amendment.

In which the concurrence of the Senate is respectfully requested. The amendment was concurred in.

Also, the following message:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bills thereof:

No. 278. An act to extend the time for complying with the provisions of an act entitled "An act for the relief of the persons therein named," approved January 26th, 1847.

No. 261. An act touching the relation of guardian and ward.

In which the concurrence of the Senate is respectfully requested.

The accompanying bills were each read a first time and passed to a second reading.

Also, the following message:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has concurred in the engrossed amendments of the Senate to engrossed bill of the House No. 203, "an act regulating general elections, and prescribing the duties of officers in relation thereto."

Also, it has concurred in engrossed amendments of the Senate to engrossed bill of the House No. 258, "an act in relation to county treasurers."

Also, it has concurred in the engrossed amendments of the Senate to engrossed bill of the House No. 80, "a bill for the relief of the poor."

The following message was received from the House of Representatives, by Mr. Sites, their Clerk:

MR. PRESIDENT:

I am directed by the House of Reps. to inform the Senate that the House has concurred in the engrossed amendment of the Senate to engrossed bill of the House No. 207, an act regarding the public works of the State.

Also, that it recedes from its 1st engrossed amendment to Senate bill No. 123, a bill providing for an organization of Circuit Courts, the election of Judges thereof, and defining their powers and duties.

On motion by Mr. Emerson,  
The Senate adjourned.

WEDNESDAY MORNING, }  
June 2d, 1852. }

The Senate met.

On motion by Mr. Dougherty,  
Mr. Milliken was called to the chair.

The Journal of yesterday was read.

#### REPORTS SUBMITTED.

By Mr. Davis, from a select committee:

MR. PRESIDENT:

The select committee to whom was referred House bill No. 170, regulating weights and measures, have had the same under consideration, and have made the following amendments:

Strike out the third section and insert the following:

Sixty pounds of merchantable wheat (avoirdupois weight) shall be given and taken for a standard bushel; of shelled corn, fifty-six pounds; of rye, fifty-six pounds; of corn, on the cob, sixty-eight pounds; of buckwheat, fifty pounds; of beans, sixty pounds; of potatoes, sixty pounds; of clover seed, sixty pounds; hemp seed, forty-four pounds; blue grass seed, fourteen pounds; castor beans, forty-six pounds; dried peaches, thirty-three pounds; dried apples, twenty-five pounds; onions, fifty-seven pounds; salt, fifty pounds; mineral coal, seventy pounds; timothy seed, forty-five pounds.

Add the following section:

SEC. —. All the different kinds of grain, seeds and articles specified in the third section of this act shall hereafter be given and taken at the several weights affixed to each, as a standard bushel; and as such, shall be considered a legal tender to fulfil any contract hereafter made for the delivery of either of the kinds of grain, seeds, or articles specified in this act.

The amendments of the committee were concurred in; and,

The question being, shall the bill pass?

It was decided in the affirmative. Ayes 36; noes 3.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Athon, Berry, Brugh, Davis, Dawson, Delevan, Eddy, Emerson, Goodman, Henton, Hickman, Hicks, Holloway, Hunt, James, Kinnard, Knowlton, Logan, Longshore, Mickle

Milliken, Newland, Niblack, Reid, Saffer, Scobey, Secrest, Slack, Sleeth, Teegarden, Turman, Walker, Washburn, and Witherow.

*Those who voted in the negative were,*

Senators Marshall, Miller, and Winsteadley.

#### ORDERS OF THE DAY.

#### *Bills on their Third Reading.*

Senate bill No. 180. General provision in relation to railroad companies;

Was read a third time, when,

Mr. Defrees moved to amend by adding to section 4 as follows:

*Provided*, That in estimating damages for such right of way, the advantages to such person or persons owning the property sought to be condemned, by the construction of such road or roads, shall not be taken into consideration.

Which was unanimously agreed to.

Mr. Emerson moved to add to the 8th section the following:

*And provided further*, That all railroad companies are hereby prohibited from charging or receiving tolls from persons who may cross on any bridge erected by any such company over any stream over which any toll bridge has been erected or ferry established within eighty rods of the place at which such railroad bridge has been or may be hereafter erected.

Which was unanimously agreed to.

Mr. Berry moved to add the following additional section:

SEC. —. The stockholders of the several companies that shall avail themselves of the benefits of this act shall be individually liable for all debts due for labor done on such union tracks or depots that shall not be paid for by their respective companies in their corporate capacity, when due.

Which was unanimously agreed to.

The question being, shall the bill pass?

It was decided in the affirmative—ayes 29, noes 13.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Athon, Defrees, Delevan, Eddy, Emerson, Goodman, Henton, Hickman, Hicks, Holloway, Hunt, James, Knowlton, Marshall, Mickle, Miller, Newland, Reid, Saffer, Secrest, Slack, Sleeth, Spann, Todd, Washburn, Winsteadley, and Witherow.

*Those who voted in the negative were,*

Senators Berry, Brugh, Davis, Dawson, Dougherty, Hanna, Kinard, Logan, Milliken, Scobey, Teegarden, Turman, and Walker.

House bill No. 281. A bill extending the admissibility of records in evidence;

Was read a third time; when,

On motion by Mr. Secrest,

The bill was referred to the committee on the Judiciary.

House bill No. 137. A bill to provide for a general and uniform system of common schools, and school libraries and matters properly connected therewith;

Was read a third time; when,

Mr. Dawson moved to recommit with the following instructions:

*Provided*, That no tax shall be levied or collected for school purposes by the trustees of any township under this or any other act unless such tax shall first be authorized by a ballot vote of the legal voters in such township, at some general special meeting thereof. Notice of the intention of taking such vote to assess, and the amount proposed to be levied, and the objects for which it shall be appropriated, shall be given by the trustees at least twenty days before the taking of such vote by posting up written notices in at least three of the most public places in such township, and that no special taxes or township revenue assessed or to be assessed shall be appropriated for school purposes, unless such appropriation be authorized by a vote of the legal voters of any such township as in this proviso contemplated.

Pending the discussion of which,

On motion by Mr. Kendall,

The Senate adjourned.

2 o'clock, P. M.

The Senate met.

The special order of the day being Senate bill No 185. A bill fixing the salaries of public officers and prescribing the manner of paying the same;

Was taken up; when,

Mr. Eddy moved to amend by striking out "one thousand" in the second line of the sixth specification and inserting "twelve hundred."

Mr. Emerson moved to lay the amendment on the table.

Which motion prevailed.

Mr. Eddy moved to amend section 1st, by striking out "thirteen" in the first line of specification fifth and inserting "twelve."

Also, by striking out the words "one thousand" in the second line of specification sixth, and inserting "eleven hundred."

A division of the question being called for, and the President having decided the question divisible,

The first question was, will the Senate lay the amendment striking out "thirteen" and inserting "twelve" on the table?

Which was decided in the affirmative. Ayes 24; noes 19.

The ayes and noes were demanded by Senators Eddy and Emerson.

*Those who voted in the affirmative were,*

Senators Alexander, Athon, Davis, Dawson, Emerson, Goodman, Hanna, Henton, James, Kinnard, Logan, Longshore, Miller, Milliken, Newland, Niblack, Odell, Scobey, Secrest, Slack, Sleeth, Turman, Walker, and Winstandley.

*Those who voted in the negative were,*

Senators Allen, Brugh, Defrees, Delevan, Dougherty, Eddy, Hickman, Hicks, Holloway, Hunt, Knowlton, Marshall, Mickle, Reid, Saffer, Spann, Teegarden, Todd, and Witherow.

On motion by Mr. Secrest,

The bill and pending amendment were laid on the table.

The consideration of House bill No. 137, "a bill to provide for a general and uniform system of common schools and school libraries and matters properly connected therewith, pending at adjournment this morning, was resumed.

And the question being, will the Senate adopt the instructions?

Mr. Secrest moved to lay the instructions on the table;

Which motion prevailed—ayes 26, noes 20.

The ayes and noes were demanded by Senators Eddy and Mickle.

*Those who voted in the affirmative were,*

Senators Alexander, Athon, Brugh, Davis, Dawson, Delevan, Dougherty, Eddy, Emerson, Goodman, Henton, Holloway, Kendall, Kinnard, Knowlton, Longshore, Milliken, Niblack, Odell, Saffer, Secrest, Slack, Todd, Turman, Walker, and Winstandley.

*Those who voted in the negative were,*

Senators Allen, Berry, Dawson, Defrees, Hanna, Hickman, Hicks, Hunt, Logan, Marshall, Mickle, Miller, Newland, Reid, Scobey, Sleeth, Spann, Teegarden, Washburn, and Witherow.

On motion by Mr. Secrest,  
A call of the Senate was ordered.

On motion by Mr. Eddy,  
Mr. Hester was excused.

On motion by Mr. Emerson,  
The further call was dispensed with.  
The question then being, shall House bill No. 137 pass?  
It was decided in the affirmative. Ayes 26; noes 19.

*Those who voted in the affirmative were,*

Senators Alexander, Athon, Brugh, Davis, Delevan, Dougherty, Emerson, Goodman, Kendall, Kinnard, Knowlton, Longshore, Mickle, Miller, Milliken, Newland, Odell, Saffer, Secrest, Slack, Teegarden, Todd, Turman, Walker, Washburn, and Witherow.

*Those who voted in the negative were,*

Senators Allen, Berry, Dawson, Defrees, Eddy, Hanna, Henton, Hickman, Hicks, Holloway, James, Logan, Marshall, Niblack, Reid, Scobey, Sleeth, Spann, and Winstandley.

On motion by Mr. Slack,  
The Senate adjourned.

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THURSDAY MORNING, }  
June 3d, 1852. }

Senate met.

The journal of yesterday was read.

Mr. Defrees moved to suspend the order of business.  
Which motion prevailed.

Mr. Athon gave notice that he would on to-morrow move to so amend the rules as to meet hereafter at 7  $\frac{1}{2}$  o'clock, A. M.

The following message was received from the House of Representatives, by Mr. Sites, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof.

No. 173. "A bill to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana; for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers, and auditors, and the Treasurer and Auditor of State;"

In which the concurrence of the Senate is respectfully requested.

The accompanying bill was partly read when,

On motion by Mr. Hickman,

The further reading was dispensed with, and the following message from the House of Representatives was taken up.

MR. PRESIDENT:

I am directed by the House of Representatives, to inform the Senate that the House has passed the following preamble and resolutions.

WHEREAS, This House has heard with deep regret of the death of the Hon. Isaac H. Morris, late a member of this House from the county of Henry, who departed this life in this city on this morning at the hour of six o'clock, A. M.: therefore,

1. *Resolved*, That in respect for the memory of the deceased, and in consideration of his many public and private virtues, the members of this House will wear a badge of mourning for the period of thirty days.

2. *Resolved*, That this House sincerely sympathise with the bereaved wife and family of the deceased in this melancholy dispensation of Providence.

3. *Resolved*, That this House will attend the remains of the deceased to the limits of the city, and that a committee of arrangements to superintend the funeral of the deceased be appointed.

4. *Resolved*, That a committee of three members, viz: Messrs. Withers, Suit and Struble, and an officer of the House be appointed to accompany the remains of the deceased to the place of interment.

5. *Resolved*, That a copy of these resolutions be forwarded by



the Principal Clerk of this House to the widow of the deceased, and that he communicate to her the sympathy of this House in this melancholy bereavement.

6. *Resolved*, That as a further testimonial of respect for the memory of the deceased, this House do now adjourn.

7. *Resolved*, That the concurrence of the Senate in the above resolutions and their attendance at the funeral is respectfully requested.

Mr. Emerson moved that Senators Hickman and Holloway be appointed a committee on the part of the Senate to accompany the remains of the deceased to his late place of residence.

Which motion prevailed.

The question then being, will the Senate concur in the resolutions?

Mr. Holloway submitted the following remarks:

MR. PRESIDENT:

For the fourth time during the present session of the Legislature the great leveller of mortality, Death, has entered these halls, admonishing us that "no one knows when the hour or the day may come," which shall call us to enter upon the realities of the unknown and untried spirit land. It is well that we should turn aside from the transaction of the ordinary business of legislation to contemplate the uncertainty of life—to forget the excited and angry feelings which are too frequently engendered here in debate, to forgive real or imaginary injuries inflicted or received from each other, and humbly implore at the throne of Divine mercy, a preparation of our hearts for that sad change, which in the decrees of Almighty God must visit us all sooner or later.

Resolutions relative to the decease of I. H. Morris, late a member of the House of Representatives from the county of Henry, have just been reported to the Senate. It has been my fortune to have enjoyed the acquaintance and, I trust, the personal friendship of the deceased. In that intimacy I have ever found him possessed of sterling integrity—of high moral virtues, and an unswerving devotion to justice and to right. In the private relations of life, all the domestic affections which honor man, clustered around his heart, and spread their influence through the circle in which he moved. As a legislator he was active, faithful, and conscientious in the discharge of all the duties which devolved upon him.

The severing of the ties which bind us to our family and friends, and the pleasures of this world, is hard to endure under the most favorable circumstances; but when absent from home and its associations—surrounded by strangers instead of friends, fond and cherished, the sundering of those ties is far more poignant and severe. Although the hand of friends administered to the wants of

the deceased—although the skill of physicians eminent in practice was exerted, and although the prayers of a fond wife, the tears of affectionate children, were offered to implore that the cup of death might pass away, yet the golden cord of life was broken, and him whom we have known so long and so well shall we know no more on this earth. But we have a confident hope that in his separation from earth he has entered upon the joys of never ending bliss beyond the grave.

When,

On motion by Mr. Hickman,  
The resolutions were unanimously concurred in.

When,

On motion by Mr. Mickle,  
The Senate adjourned.

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2 o'clock, P. M.

The Senate met.

The reading of House bill No. 173, commenced this morning was resumed and the reading completed, and the bill passed to a second reading.

Message from the House of Representatives, by Mr. Sites, their Clerk:

**MR. PRESIDENT:**

I am directed by the House to inform the Senate that the House has passed the following engrossed bill thereof:

No. 290. A bill concerning officers of municipal incorporations. In which the concurrence of the Senate is respectfully requested. The accompanying bill was read a first time and passed to a second reading

Also, the following message from the House of Representatives, by Mr. Sites, their clerk:

MR. PRESIDENT:

I am directed by the House to inform the Senate that the House insists on its engrossed amendments to bill of the Senate, No. 124. "A bill to establish and regulate ferries," and has appointed Messrs. Holman and Williams a committee of free conference to act with a similar committee on the part of the Senate.

In which the concurrence of the Senate is respectfully requested.

Mr. Emerson moved that the Senate recede from their disagreement to the second engrossed amendment of the House.

Which motion prevailed.

Mr. Emerson moved that the Senate insist on their disagreement to the first engrossed amendment of the House.

Which motion prevailed.

When,

Senators Emerson and Davis were appointed a committee on the part of the Senate.

Also, the following message :

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that the House has passed the following engrossed bill thereof:

No. 284. An act to authorize the construction of levees and drains;

In which the concurrence of the Senate is respectfully requested.

The accompanying bill was read the first time and passed to a second reading.

On motion by Mr. Niblack,

The order of business was suspended.

Mr. Niblack submitted the following report :

MR. PRESIDENT:

The select committee to whom was referred bill of the House No. 260, entitled "an act providing for the appointment of notaries public, and defining their powers and duties, have had the same under consideration, and have made three amendments thereto, upon the adoption of which they recommend its passage.

Amend by striking out section 3 and inserting the following:

SEC. 3. Each civil township shall be entitled to at least one notary, and one additional one for each incorporated town therein. If a township contain over one thousand inhabitants, it shall be en-

titled to two; and to an additional one for every two thousand it may have over four thousand. No person shall be appointed a notary public without furnishing to the Governor a certificate of the clerk of the circuit court of his county, of his place of residence, and of the number of inhabitants and incorporated towns in the township in which he lives; which certificate the clerk shall make when requested, and receive therefor the usual fee. *Provided*, That the board of commissioners may, by an order of record, increase the number of notaries in any township or incorporated town therein, when in their opinion the public convenience requires it.

Amend section 4 by striking out all after the word "impression" in the fifth line to and including the word "lives" in the seventh line, and insert in lieu thereof the words "in words or letters sufficiently indicating his official character."

Amend by adding to the bill the following section :

SEC. —. It is hereby declared that there is an emergency existing for the immediate taking effect of this act, and that the same shall be in force from and after its publication in the Indiana State Sentinel and Indiana State Journal.

The amendments were ordered to be engrossed, and the bill ordered to a third reading.

Mr. Logan presented the petition of citizens of Williamstown, in Decatur county, asking that a part of said town may be vacated;

Which,

On his motion,

Was laid on the table.

#### REPORTS SUBMITTED.

By Mr. Hanna, from the Judiciary committee:

MR. PRESIDENT:

The committee on the Judiciary, to whom was referred a petition of citizens of Benton county, in relation to the title to certain land donated to the same, have had the same under consideration, and have directed me to report the same back, and recommend that it be laid on the table, as no legislation is necessary in the case.

Which was concurred in.

By Mr. Athon, from the committee on the State prison:

MR. PRESIDENT:

The standing committee to whom was referred the petition of Andrew Fite and Lloyd White, of the city of Jeffersonville, proposing

to furnish a fire engine at the State prison, have had the same under consideration, and have directed me to report it inexpedient to legislate at this time upon the subject; and ask to be discharged from the further consideration of the same.

Which was concurred in.

By Mr. Eddy, from the committee on Revision:

MR. PRESIDENT:

The committee on Revision, to whom was referred Senate bill No. 89, relating to the construction of turnpike roads, have had the same under consideration, and have directed me to report it back, and recommend that it be laid on the table, deeming further legislation inexpedient.

Which was concurred in.

By Mr. Eddy, from the same committee:

MR. PRESIDENT:

The joint committee on Revision, to whom was referred House bill No. 164, upon the subject of plank roads, have had the same under consideration, and directed me to report it back, and recommend that it be laid on the table, deeming further legislation at this time inexpedient.

Which was concurred in.

By Mr. Eddy, from the same committee:

MR. PRESIDENT:

The joint committee on Revision, to whom was referred House bill No. 61, in relation to the injury of animals, and destruction of human life by rail road companies, have considered the same, and directed me to report it back, and recommend that it be laid upon the table, a bill having passed upon the subject.

Which was concurred in.

By Mr. Eddy, from the same committee:

MR. PRESIDENT:

The joint committee on Revision, to whom was referred Senate bill No. 3, directing the sale of county seminary and lands, have had the same under consideration, and directed me to report it back, and

recommend that it be laid upon the table, a bill having passed the Senate upon that subject.

Which was concurred in.

#### BILLS INTRODUCED.

By Mr. Milliken :

No. 187. A bill to change the time holding the probate court in Dearborn county, and providing for a two weeks session if the business requires it.

Which was read a first time and passed to a second reading.

Mr. Winstandley moved to take from the table the resolution fixing the day of a *sine die* adjournment.

Which was decided in the affirmative. Ayes 25; noes 14.

The ayes and noes were demanded by Senators Mickle and Miller.

*Those who voted in the affirmative were,*

Senators Allen, Athon, Cravens, Dawson, Defrees, Delevan, Dougherty, Goodman, Hanna, James, Knowlton, Miller, Milliken, Newland, Niblack, Odell, Reid, Saffer, Scobey, Slack, Spann, Teegarden, Walker, Washburn, and Winstandley.

*Those who voted in the negative were,*

Senators Berry, Brugh, Davis, Eddy, Emerson, Henton, Hicks, Kinnard, Logan, Mickle, Secrest, Todd, Turman, and Witherow.

On motion by Mr. Emerson,  
The resolution was laid on the table.

On motion by Mr. Milliken,  
The order of business was suspended.

When,

Mr. Milliken offered the following resolution :

*Resolved*, That the Senate will, the House concurring, adjourn *sine die* on the 15th instant.

Mr. Berry moved to add the following proviso:

*Provided*, The business of the session be completed, and that the President of the Senate be requested to sign no accounts for drawing pay as Senators until adjournment.

Mr. Milliken moved to lay the amendment on the table;

Which was decided in the negative. Ayes 18, noes 23.

The ayes and noes were demanded by Senators Eddy and Winstandley.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Cravens, Dawson, Defrees, Goodman, Hanna, James, Knowlton, Milliken, Newland, Niblack, Odell, Slack, Sleeth, Teegarden, Walker, and Winsteadley.

*Those who voted in the negative were,*

Senators Athon, Berry, Brugh, Davis, Delevan, Dougherty, Eddy, Emerson, Henton, Hicks, Hunt, Kinnard, Logan, Mickle, Reid, Saffer, Scobey, Secrest, Spann, Todd, Turman, Washburn, and Witherow.

Mr. Winsteadley offered the following amendment to the amendment :

Strike out the words "*Provided*, The business of the session be completed, and."

When,

On motion by Mr. Athon,

The resolution and pending amendment were laid on the table—  
ayes 22, noes 19.

The ayes and noes were demanded by Senators Winsteadley and Longshore.

*Those who voted in the affirmative were,*

Senators Athon, Berry, Brugh, Davis, Delevan, Dougherty, Eddy, Emerson, Henton, Hicks, Hunt, James, Kinnard, Logan, Longshore, Mickle, Secrest, Spann, Teegarden, Todd, Washburn, and Witherow.

*Those who voted in the negative were,*

Senators Alexander, Allen, Cravens, Dawson, Defrees, Goodman, Hanna, Knowlton, Miller, Milliken, Newland, Niblack, Reid, Saffer, Scobey, Slack, Sleeth, Walker, and Winsteadley.

Mr. Mickle offered the following resolution :

*Resolved*, That the Treasurer of State be requested to pay no members of the Senate for any legislative service, from this date, without the presentation of a bill approved by the President of the Senate; and that the Secretary of the Senate be requested to furnish the Treasurer with a copy of this resolution.

Which,

On motion by Mr. Emerson,  
Was laid on the table.

## ORDERS OF THE DAY.

*Bills on their second reading.*

House bill No. 270. A bill to extend the time for complying with the provisions of an act entitled "an act for the relief of the persons therein named," approved January 26th, 1847;

Was read a second time and ordered to a third reading.

Mr. Emerson moved to take up Senate bill No. 185. A bill fixing the salaries of public officers and prescribing the manner of paying the same;

Which was agreed to.

The question being, will the Senate adopt the amendment striking out "one thousand" and inserting "eleven hundred" as the pay of circuit judges?

Mr. Emerson moved to lay the amendment on the table.

Which motion prevailed. Ayes 32; noes 11.

The ayes and noes were demanded by Senators Emerson and Eddy.

*Those who voted in the affirmative were,*

Senator Alexander, Allen, Athon, Berry, Brugh, Cravens, Dawson, Delevan, Emerson, Goodman, Hanna, Henton, Hunt, Kinnard, Knowlton, Logan, Longshore, Mickle, Miller, Milliken, Newland, Odell, Reid, Saffer, Scobey, Secrest, Slack, Spann, Teegarden, Walker, Washburn, and Winstandley.

*Those who voted in the negative were,*

Senators Davis, Defrees, Dougherty, Eddy, Hicks, James, Niblack, Sleeth, Todd, Turman and Witherow.

Mr. Miller moved to strike out "fifteen hundred" as the pay of superintendent of common schools, and insert "twelve hundred."

Which motion did not prevail.

Mr. Hanna moved to strike out "thirteen hundred" as the pay of supreme judges and insert "one thousand" in lieu thereof.

Which motion was decided in the negative.

The bill was then ordered to be engrossed.

House bill No. 261. A bill touching the relation of guardian and ward;

Was read a second time and ordered to a third reading.



Senate bill No. 186. A bill providing for the organization of county boards and prescribing some of their powers and duties ;

Was read a second time ; when

On motion by Mr. Slack,

The bill was referred to a select committee.

Senators Slack, Witherow and Cravens were appointed said committee.

On motion by Mr. Longshore,

The Senate adjourned.

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FRIDAY MORNING, }  
June 4, 1852. }

The Senate met.

The Journal of yesterday was read.

#### REPORTS SUBMITTED.

By Mr. Eddy, from the committee on Corporations:

MR. PRESIDENT :

The committee on corporations to whom was referred House bill No. 176, entitled "an act for the organization of canal and water works companies," have considered the same, and instructed me to report it back with the following amendments and upon their adoption recommend its passage.

*First.* Section 1st, strike out the words "in whole or in part" in the 6th line.

*Second.* Strike out after the words "water ways" in 7th line all that follows in said section, and insert "necessary to make the same navigable, and any waste or surplus water of such canal water works or ways, not required therefor, may be used for hydraulic purposes, or for supplying the cities or towns with water under the regulations and restrictions hereinafter provided.

The amendments were concurred in and ordered to be engrossed, and the bill ordered to a third reading.

By Mr. Slack from a select committee:

MR. PRESIDENT:

The select committee to whom was referred Senate bill No. 186, have had the same under consideration, and have requested me to report the same back without amendment, and recommend its passage.

The accompanying bill was ordered to be engrossed for a third reading.

On motion by Mr. Eddy,

The order of business was suspended.

Mr. Spann moved to reconsider the vote taken on the 19th ult. by which Senate bill No. 165 failed;

Which was agreed to.

The question being, shall Senate bill No. 165, a bill supplemental to "an act to provide for the incorporation of railroad companies," pass?

It was decided in the affirmative. Ayes 28; noes 10.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Brugh, Cravens, Dawson, Defrees, Delevan, Dougherty, Eddy, Hanna, Hicks, James, Kendall Kinnard, Longshore, Marshall, Miller, Milliken, Newland, Niblack, Reid, Saffer, Scobey, Slack, Sleeth, Teegarden, Washburn, and Winstandley.

*Those who voted in the negative were,*

Senators Berry, Emerson, Goodman, Henton, Knowlton, Mickle, Secrest, Turman, Walker, and Witherow.

Mr. Reid from a select committee submitted the following report:

MR. PRESIDENT:

The select committee for districting the State into judicial circuits to whom was referred bill of the Senate No. 179, have had the same under consideration and a majority thereof have instructed me to report the following amendment to said bill and to recommend its passage—to wit:

Strike out the original bill from its enacting clause and insert the following in lieu thereof:

The first judicial circuit shall be composed of the counties of Posey, Vanderburgh, Warrick, Spencer, Perry, Dubois, Pike, Gibson, Knox, Daviess, and Martin.

SEC. 2. The second judicial circuit shall be composed of the

counties of Lawrence, Orange, Crawford, Harrison, Floyd, Washington, Clark, and Scott.

SEC. 3. The third judicial circuit shall be composed of the counties of Brown, Jackson, Bartholomew, Jennings, Jefferson, Switzerland, Ripley, and Ohio.

SEC. 4. The fourth judicial circuit shall be composed of the counties of Dearborn, Franklin, Decatur, Shelby, Rush, Fayette, and Union.

SEC. 5. The fifth judicial circuit shall be composed of the counties of Johnson, Hendricks, Marion, Hancock, Hamilton, Tipton, and Madison.

SEC. 6. The sixth judicial circuit shall be composed of the counties of Sullivan, Greene, Monroe, Owen, Clay, Vigo, Putnam, and Morgan.

SEC. 7. The seventh judicial circuit shall be composed of the counties of Wayne, Henry, Randolph, Delaware, Jay, Blackford and Grant.

SEC. 8. The eighth judicial circuit shall be composed of the counties of Parke, Vermillion, Montgomery, Boone, Fountain, Warren, Benton, Tippecanoe, Carroll and Clinton.

SEC. 9. The ninth judicial circuit shall be composed of the counties of Lake, Porter, Laporte, St. Joseph, Marshall, Starke, Fulton, Miami, Cass, Pulaski, White, Jasper, Wabash and Howard.

SEC. 10. The tenth judicial circuit shall be composed of the counties of Adams, Wells, Huntington, Allen, Whitley, Noble, De Kalb, Lagrange, Steuben, Elkhart and Kosciusko.

Mr. Emerson moved to

Strike out the county of Jackson from the 3d, and attach it to the 2d circuit.

When,

On motion by Mr. Reid,

The bill and pending amendments were made the special order of the day for Monday next, at 2 o'clock, P. M.

Mr. Athon offered the following resolution:

*Resolved*, That the Senate will, during the remainder of the session, meet at half past seven o'clock, A. M.

Which was adopted.

Mr. Berry offered the following resolution:

*Resolved*, That His Excellency, the Governor, be requested to furnish the Senate with a copy of Dr. Mullen's report as a visiter to the State prison.

Which was adopted.

Mr. Miller introduced

No. 188. A bill to provide for opening, vacating, and changing of highways;

Which was read a first time and passed to a second reading.

On motion by Mr. Athon,

The order of business was suspended; when

Mr. Athon introduced

No. 189. A joint resolution inviting and welcoming Thomas Francis Meagher to the hospitalities of the citizens of Indiana;

Which was read a first time and passed to a second reading.

#### ORDERS OF THE DAY.

##### *Bills on their Third reading.*

Senate bill No. 185. A bill fixing the salaries of public officers, and prescribing the manner of paying the same;

Was read a third time, when

Mr. Winstandley moved to amend the bill so that the chaplain of the penitentiary be paid by the lessee;

Which was unanimously agreed to.

Mr. Athon moved to strike out \$200 and insert 300 as the salary of the chaplain.

Which was unanimously agreed to.

Mr. Sleeth moved to recommit the bill with the following instructions:

Strike out the sum of \$1,000 for the superintendent of the Deaf and Dumb Institution, and insert \$1,200.

A division of the question was called for,

And the President having decided the question divisible,

The first question was, will the Senate recommit the bill?

Which was decided in the affirmative. Ayes 22; noes 21.

The ayes and noes were demanded by Senators Emerson and Defrees.

##### *Those who voted in the affirmative were,*

Senators Davis, Eddy, Hanna, Hicks, Hunt, Kendall, Kinnard, Knowlton, Longshore, Mickle, Milliken, Niblack, Odell, Reid, Secrest, Sleeth, Spann, Teegarden, Todd, Turman, Washburn, and Witherow.

##### *Those who voted in the negative were,*

Senators Alexander, Allen, Athon, Berry, Brugh, Cravens, Dawson, Defrees, Delevan, Dougherty, Emerson, Goodman, Henton,

James, Logan, Miller, Newland, Saffer, Scobey, Walker, and Winstandley.

The question then being on the adoption of the instructions,  
It was decided in the negative. Ayes 18; noes 24.

The ayes and noes were demanded by Senators Emerson and Defrees.

*Those who voted in the affirmative were,*

Senators Davis, Eddy, Hicks, James, Kendall, Kinnard, Mickle, Newland, Niblack, Reid, Saffer, Secrest, Sleeth, Teegarden, Todd, Turman, Walker, and Witherow.

*Those who voted in the negative were,*

Senators Alexander, Allen, Athon, Berry, Brugh, Cravens, Dawson, Defrees, Delevan, Dougherty, Emerson, Goodman, Hanna, Henton, Knowlton, Logan, Longshore, Miller, Milliken, Odell, Scobey, Spann, Washburn, and Winstandley.

On motion by Mr. Secrest,  
The vote just taken was reconsidered.

On motion by Mr. Secrest,  
The vote agreeing to recommit was reconsidered.  
The question being, shall the bill be recommitted?  
It was decided in the negative.

Mr. Eddy moved to amend as follows:

Provide that each of the several counties forming judicial circuits in this State, shall appropriate the sum of five dollars from their respective treasuries for each and every week of the term of the circuit court held in such county, to pay the travelling expenses of the judge thereof.

Which was not agreed to.

The question being, shall the bill pass?

It failed for want of a constitutional majority. Ayes 22; noes 21.

*Those who voted in the affirmative were,*

Senators Alexander, Athon, Brugh, Cravens, Eddy, Emerson, Goodman, Henton, James, Kinnard, Longshore, Miller, Newland, Saffer, Secrest, Slack, Sleeth, Teegarden, Todd, Walker, Washburn, and Winstandley.

*Those who voted in the negative were,*

Senators Allen, Berry, Davis, Dawson, Defrees, Delevan, Dough-

erty, Hanna, Hicks, Hunt, Kendall, Knowlton, Logan, Mickle, Mil-  
 liken, Niblack, Reid, Scobey, Spann, Turman, and Witherow.

Mr. Secrest moved a call of the Senate.

Which was ordered.

Senator Marshall was absent.

On motion by Mr. Secrest,

The call was suspended.

Mr. Eddy moved to take up Senate bill No. 185 again ;

Which motion prevailed.

Mr. Spann moved to lay the bill on the table ;

Which motion was not agreed to.

The question then being shall the bill pass ?

It failed for the want of a constitutional majority—ayes 23, noes 20.

*Those who voted in the affirmative were,*

Senators Alexander, Athon, Brugh, Cravens, Eddy, Emerson,  
 Goodman, Henton, Hicks, James, Kinnard, Longshore, Miller, New-  
 land, Niblack, Saffer, Secrest, Slack, Sleeth, Todd, Walker, Washburn,  
 and Winstandley.

*Those who voted in the negative were,*

Senators Allen, Berry, Davis, Dawson, Defrees, Delevan, Dough-  
 erty, Hanna, Hunt, Kendall, Knowlton, Logan, Mickle, Odell, Reid,  
 Scobey, Spann, Teegarden, Turman, and Witherow.

House bill No. 260. A bill providing for the appointment of no-  
 taries public and defining their powers and duties ;

Was read the third time,

And the question being, shall the bill pass ?

It was decided in the affirmative. Ayes 33; noes 8.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Berry, Cravens, Davis, Delevan, Eddy,  
 Goodman, Hanna, Henton, Hicks, Hunt, James, Kinnard, Knowlton,  
 Longshore, Mickle, Miller, Milliken, Newland, Niblack, Odell, Reid,  
 Saffer, Scobey, Secrest, Slack, Sleeth, Teegarden, Todd, Walker,  
 Washburn, and Witherow.

*Those who voted in the negative were,*

Senators Athon, Dawson, Defrees, Dougherty, Emerson, Logan,  
 Spann, and Winstandley.

House bill No. 261. A bill touching the relation of guardian and ward;

Was read the third time; and

The question being, shall the bill pass?

It was decided in the affirmative—ayes 40, noes 0.

*Those who voted in the affirmative were,*

Senators Alexander Allen, Athon, Berry, Brugh, Davis, Dawson, Defrees, Delevan, Eddy, Emerson, Goodman, Hanna, Henton, Hicks, James, Kendall, Kinnard, Knowlton, Logan, Longshore, Mickle, Miller, Milliken, Newland, Niblack, Odell, Reid, Saffer, Scobey, Secrest, Slack, Sleeth, Spann, Teegarden, Todd, Walker, Washburn, Winsteadley, and Witherow.

House bill No. 278. A bill to extend the time for complying with the provisions of an act entitled "an act for the relief of the persons therein named," approved January 26th, 1847;

Was read the third time, and,

The question being, shall the bill pass?

It was decided in the affirmative. Ayes 38; noes 0.

*Those who voted in the affirmative were,*

Senators Allen, Athon, Berry, Brugh, Cravens, Dawson, Defrees, Delevan, Eddy, Emerson, Goodman, Henton, Hicks, Hunt, James, Kendall, Kinnard, Knowlton, Logan, Longshore, Mickle, Milliken, Newland, Niblack, Odell, Reid, Saffer, Scobey, Secrest, Slack, Sleeth, Spann, Teegarden, Todd, Walker, Washburn, Winsteadley, and Witherow.

Mr. Emerson moved to suspend the order of business,  
Which motion prevailed.

The following message was received from the House of Representatives, by Mr. Sites, their clerk:

**MR. PRESIDENT:**

I am directed by the House of Representatives to inform the Senate that the House has passed the following resolution:

*Resolved*, (If the Senate concur,) that the select joint committee on Revision be directed to examine the enrolled bills at the present session in order to ascertain, whether there be any conflicting sections, or acts, or duplicate provisions; and if so, to report a bill to perfect the same, in the publication of the Revised Code, by exclud-

ing the surplus or conflicting sections, or otherwise. Also to enquire into and report as to the most desirable method of arranging the different acts in the Revised Code, and as to indexing and publishing the same, in which the concurrence of the Senate is respectfully requested.

Mr. Emerson moved to concur with the following amendment:

*Resolved*, That said committee be increased by the addition of two on the part of the Senate, and three on the part of the House of Representatives.

Which motion prevailed.

#### BILLS ON THEIR SECOND READING.

Senate bill No. 187. A bill to change the time of holding the probate court of Dearborn county, and providing for a two weeks session if the business requires it,

Was read a second time, and ordered to be engrossed.

House bill No. 284. A bill to authorize the construction of levees and drains,

Was read a second time; and,

On motion by Mr. Eddy,

Referred to the committee on corporations.

House bill No. 290. A bill concerning officers of municipal incorporations,

Was read a second time; and,

On motion by Mr. Emerson,

Referred to a select committee.

Senators Emerson, Athon and Winstandley were appointed said committee.

The following message was received from the House of Representatives, by Mr. Sites, their Clerk:

MR. PRESIDENT:

I am directed by the House to inform the Senate that the Speaker has signed the following enrolled bills thereof:

Nos. 207, 209, 254 and 258;

Which I am directed to bring to the Senate for the signature of the President thereof.

Whereupon, the President signed the same.

Also, the following message was received from the House of Representatives, by Mr. Sites their Clerk:



**MR. PRESIDENT:**

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill of the Senate without amendment:

No. 156. A bill to amend acts of incorporation for construction of plank and turnpike roads.

On motion by Mr. Athon,  
The Senate adjourned.

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2 o'clock, P. M.

The Senate met.

On motion by Mr. Emerson,  
Mr. Scobey was called to the chair.

The President laid before the Senate a communication from the Governor, together with the report of the Visiter to the State Prison:

Which,

On motion by Mr. Emerson,  
Was laid on the table.

House bill No. 173. A bill to provide for the valuation and assessment of real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors and prescribing the duties of assessors, appraisers of real property, county treasurer and Auditor of State;

Was read a second time; when

Mr. Slack moved to refer the bill to a select committee.

Mr. Secrest moved to refer the bill to the committee on Finance.

Which motion prevailed.

On motion by Mr. Niblack,

Mr. Slack was added to the committee on Finance.

On motion by Mr. Hester,

The order of business was suspended; when he submitted the following report:

**MR. PRESIDENT:**

The joint committee on Revision, to whom was referred

joint resolution No. 170, of the Senate, have had the same under consideration, and have directed me to report it back with one amendment, after the adoption of which they recommend the passage of the bill, and they ask to be discharged from the further consideration thereof.

Amend House amendment by adding to the end of the second amendment the following:

An act to submit to the voters of the counties of Perry and Spencer, at the general election for the year 1852, a proposal to create a new county.

Also, amend the title by adding the title of the bill.

The amendments of the committee were concurred in.

The following message was received from the House of Representatives by Mr. Sites, their clerk:

**MR. PRESIDENT:**

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill of the Senate:

No. 153. A bill providing for the settlement of decedents' estates, prescribing the rights, liabilities and duties of officers connected with the management thereof, and of the heirs thereto, and certain forms to be used in such settlement.

With sundry engrossed amendments.

In which the concurrence of the Senate is respectfully requested.

The question being, will the Senate concur in the amendments of the House to Senate bill No. 153?

It was decided in the negative.

Also, the following message was received from the House by Mr. Sites, their Clerk:

**MR. PRESIDENT:**

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bills of the Senate:

No. 118. A bill defining misdemeanors, and prescribing punishment therefor.

Also, No. 142. A bill to organize the militia, providing for the appointment, and prescribing the duties of certain officers thereof.

Also, 174. An act to revive, simplify and abridge the rules, practice, pleadings and forms in criminal actions in the courts of this State.

With sundry amendments.

In which the concurrence of the Senate is respectfully requested.

The Senate refused to concur in the 1st, 2nd, and 3rd amendments of the House to No. 118.

Mr. Secrest moved to amend the 4th amendment as follows:

Insert after the word "shall" in the third line, the words "directly or indirectly;"

Which was agreed to.

Mr. Scobey moved to add after the word "spirituous" the word "or intoxicating."

Mr. Berry moved to lay the amendment on the table;

Which was decided in the affirmative. Ayes 21; noes 17.

The ayes and noes were demanded by Senators Scobey and Knowlton.

*Those who voted in the affirmative were,*

Senators Allen, Athon, Berry, Brugh, Cravens, Delevan, Dougherty, Eddy, Emerson, Goodman, Henton, Hester, Hunt, Logan, Miller, Newland, Niblack, Slack, Spann, Todd, and Walker.

*Those who voted in the negative were,*

Senators Dawson, Defrees, Hanna, Hicks, Kendall, Kinnard, Knowlton, Mickle, Milliken, Odell, Reid, Saffer, Scobey, Secrest, Teegarden, Washburn, and Witherow.

The question then being on concurring in the amendment,

It was decided in the negative. Ayes 19; noes 20.

The ayes and noes were demanded by Senators Milliken, and Secrest.

*Those who voted in the affirmative were,*

Senators Athon, Dawson, Defrees, Delevan, Goodman, Hanna, Henton, Hicks, Kendall, Kinnard, Knowlton, Miller, Milliken, Odell, Saffer, Scobey, Secrest, Teegarden and Witherow.

*Those who voted in the negative were,*

Senators Allen, Berry, Brugh, Cravens, Dougherty, Eddy, Emerson, Hester, Hunt, James, Logan, Mickle, Newland, Niblack, Reid, Slack, Spann, Todd, Walker, and Washburn.

The 5th, 6th, and 7th amendments were concurred in.

On motion by Mr. Hester,

The message containing the House amendments to No. 142,

Was laid on the table.

The question being on concurring in the first amendment of the House to No. 174;

It was decided in the negative.

On motion of Mr. Dougherty,

The vote just taken was reconsidered.

The question being on concurring in the amendment,

It was decided in the affirmative. Ayes 21; noes 12.

The ayes and noes were demanded by Senators Secrest and Emerson.

*Those who voted in the affirmative were,*

Senators Allen, Berry, Brugh, Cravens, Defrees, Delevan, Dougherty, Eddy, Goodman, Henton, Hester, Hunt, Kinnard, Longshore, Mickle, Milliken, Newland, Reid, Saffer, Todd and Walker.

*Those who voted in the negative were,*

Senators Athon, Dawson, Emerson, James, Knowlton, Niblack, Scobey, Secrest, Spann, Washburn, Winstandley, and Witherow.

Mr. Emerson moved to adjourn;

Which was not agreed to.

The 2d and 3d amendments of the House to No. 174, were not concurred in.

Pending the question on concurring in the 4th amendment,

On motion by Mr. Secrest,

The Senate adjourned.

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SATURDAY MORNING, }  
June 5th, 1852. }

The Senate met.

On motion by Mr. Hanna,  
Mr. Mickle was called to the chair.

The journal of yesterday was read.

## PETITIONS PRESENTED.

By Mr. Holloway:

From sundry citizens of the State, asking the publication of the laws in the German language;

Which was,

On motion by Mr. Niblack,

Referred to the committee on Printing.

## REPORTS SUBMITTED.

By Mr. Hester, from the joint committee on Revision:

MR. PRESIDENT:

The joint committee on Revision, to whom was referred House bill No. 279, have had the same under consideration, and have directed me to report it back, and recommend its passage; and they ask to be discharged from the further consideration thereof.

The bill having been read a third time;

The question was, shall the bill pass?

Which was decided in the affirmative. Ayes 43; noes none.

*Those who voted in the affirmative were,*

Senators Allen, Athon, Berry, Brugh, Cravens, Davis, Dawson, Defrees, Delevan, Dougherty, Eddy, Emerson, Goodman, Hanna, Henton, Hester, Hicks, Holloway, James, Kinnard, Knowlton, Logan, Longshore, Marshall, Mickle, Miller, Milliken, Newland, Niblack, Odell, Reid, Saffer, Scobey, Secrest, Slack, Sleeth, Spann, Teegarden, Todd, Walker, Washburn, Winstandley, and Witherow.

By Mr. Hanna, from a select committee:

MR. PRESIDENT:

The select committee to which was referred Senate bill No. 171, have had the same under consideration, and have directed me to report the same back with one amendment, to-wit:

Strike the same out from the enacting clause and insert the following, upon the adoption of which we recommend its passage:

SEC. —. That whenever the citizens of any county in this State shall desire to remove or relocate the seat of justice of such county, they shall have the right so to do, under the following rules and regulations:

*First.* A petition shall be presented to the board of commissioners of such county, signed by a majority of the legal voters of the same, of whose signatures, for the purpose in such petition contemplated, due proof shall be made before said board.

*Second.* Said petition shall pray for the removal or relocation of said county seat to a certain point therein particularly designated.

*Third.* Notice of said intended application shall be given.

SEC. —. Upon the presentation and due proof of said notice and petition, it shall be the duty of said board to make or cause to be made, a neat estimate of the amount necessary to erect a court house and other public buildings sufficient for said county.

SEC. —. Said board shall also proceed to select by lot from the names of twelve persons, not residents nor landholders of such county, three persons as appraisers, whose duty it shall be under oath, to hear evidence if any shall be offered, and to make and award estimates of the damages, if any, which may result from such removal or relocation, to any person applying therefor, either by the depreciation of the value of real estate, and improvements thereon, or by change or injury of land titles. *Providd*, said application for damages shall be made within one year after the publication of notice of the appointment of said appraisers; and that no person who signed a petition for removal shall be entitled to damages.

SEC. —. Such application for damages shall be filed with the auditor of the county, whose duty it shall be after the filing the same in his office, to notify said appraisers of their appointment, and the time of their meeting at the then county seat of such county; and he shall also give notice of the time and place of the meeting of said appraisers.

SEC. —. When said appraisers meet the county auditor shall lay before them the applications filed for damages, and such appraisers shall upon the completion of estimates in said cases, make out and file, in the auditor's office of the county, a report of their acts and awards, and to whom made.

SEC. —. Any person interested in any such award, after relocation has been finally ordered to be made, may appear before said county board, and if satisfied with the same, require said board to make an order upon the county treasurer for the amount awarded; but if dissatisfied with the award may appeal therefrom to the circuit court of the county within sixty days after such report is filed, by executing a bond payable to said board in a penalty sufficient to cover the expenses that may be incurred; and conditional that said appeal shall be duly prosecuted, which bond shall be taken and approved by the auditor.

SEC. —. The appraisers herein provided for, shall also in addition to making estimates of damages proceed to locate such seat of justice, at the point in said petition named; they shall also ascertain upon what terms a fee simple title to the lands upon which

said county seat is to be located can be procured; any propositions made upon that subject shall be made out at length in writing and returned and filed by said appraisers as a part of their report, and said written proposition of said land owner shall be obligatory upon him.

SEC. —. After the said appraisers shall have made out and filed their report as aforesaid, and after the estimates have been made for the construction of public buildings, the county commissioners shall order the question of re-location to be submitted to the voters of the county at the general election; at such election each voter may place on his ticket the words "re-location" or "no re-location," as he may determine.

SEC. —. Said votes shall be returned by the return judges, and canvassed in the same manner that returns are made of other elections, and if a majority of the voters of the county shall vote in favor of such removal said county commissioners shall then proceed to give notice of, and at as early a day as convenient thereafter, receive proposals and make contracts for the erection of the necessary public buildings, which contracts may be made by said board or an agent selected to superintend such contracting and building.

SEC. —. Notice of the submission of the question of removal to the voters of the county shall be given by the sheriff of such county; which notice shall state directly that the vote will be taken upon the question of removal to the point, naming it, in said notice, designated in said petition.

SEC. —. If any person shall desire to make donations of land towards the erection of public buildings at said point in said petition named, they can do the same by causing the same to be entered upon the order book of the circuit court, at length over the proper signature of the donor, and when so entered, shall from that date operate as a lien upon the real estate of the donor.

SEC. —. Every notice contemplated in this act shall be given by publication for thirty days in a newspaper of general circulation, if any may be published in the county, and if none is so published, then by written notices stuck up in three of the most public places in each township of such county, for the same length of time.

SEC. —. So soon as the court house and other necessary public buildings shall be completed, it shall be the duty of the county board to have the records of the county and courts conveyed to the same; and the courts shall be from thenceforth held at said new county seat.

The amendments were concurred in; and

The question being, shall the bill pass?

It was decided in the affirmative; ayes 34, noes 8.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Athon, Berry, Brugh, Cravens, Davis, Defrees, Delevan, Dougherty, Goodman, Hanna, Henton, Hester.

Hicks, Holloway, Kinnard, Knowlton, Logan, Longshore, Mickle, Miller, Newland, Odell, Reid, Saffer, Secrest, Slack, Sleeth, Todd, Walker, Washburn, Winstandley, and Witherow.

*Those who voted in the negative were,*

Senators Dawson, Emerson, James, Marshall, Milliken, Niblack, Scobey, and Teegarden.

#### RESOLUTIONS.

Mr. Holloway offered the following resolution:

*Resolved*, That the committee on the Benevolent Institutions of the State, be instructed to inquire into the expediency of passing a bill exempting from the payment of State and county taxes, to an amount not exceeding fifty dollars for each year, any person who shall keep at his own expense any member of his family who is insane, and has been treated at the Insane Asylum, and pronounced incurable by the Superintendent of that institution.

Which was adopted.

Mr. Niblack gave notice that he would on Monday move to so amend the rules as to meet at 6 o'clock, A. M.

Mr Emerson gave notice that he would move to amend by striking out 6 o'clock and inserting 5½ o'clock, A. M.

Mr. Hester moved to suspend the order of business;

Which was agreed to; when,

Mr. Hester from a select committee submitted the following report.

MR. PRESIDENT:

The joint select committee on Revision to whom was referred House bill No. 183, have had the same under consideration and have directed me to report it back, and recommend that it be laid on the table; and they ask to be discharged from the further consideration thereof.

Which was concurred in.

Mr. Emerson moved to further suspend the order of business and take up Senate bill No. 185, a bill fixing the salaries of public officers and prescribing the manner of paying the same;

Which motion prevailed; when,

Mr. Emerson moved to strike out of the 9th specification the words "and the superintendent of the Blind Asylum," also strike out the last word of the same.



Insert after the said specification the following:

To the superintendent of the Blind Asylum eight hundred dollars."

Which was unanimously agreed to.

The bill having been read a third time;

And the question being shall the bill pass?

It failed for want of a constitutional majority. Ayes 24, noes 17.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Brugh, Cravens, Eddy, Emerson, Goodman, Henton, Hester, Hicks, Hunt, James, Kinnard, Longshore, Newland, Niblack, Saffer, Secrest, Slack, Sleeth, Todd, Walker, Washburn, and Winstandley.

*Those who voted in the negative were,*

Senators Athon, Berry, Dawson, Delevan, Dougherty, Holloway, Knowlton, Logan, Marshall, Mickle, Miller, Milliken, Reid, Scobey, Spann, Teegarden, and Witherow.

Mr. Emerson moved a call of the Senate:

Which was ordered.

On motion by Mr. Teegarden,

Mr. Defrees was excused on account of sickness in his family.

Senators Brugh, Hanna, Hickman, Kendall and Turman, were absent.

On motion,

The absentees were sent for.

On motion by Mr. Dawson,

The further call was dispensed with; when,

Mr. Dawson moved to take up Senate bill No. 185 again;

Which was agreed to, and the bill passed—ayes 26, noes 18.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Brugh, Cravens, Davis, Dawson, Eddy, Emerson, Goodman, Henton, Hester, Hicks, Hunt, James, Kinnard, Longshore, Newland, Niblack, Saffer, Secrest, Slack, Sleeth, Todd, Walker, Washburn, and Winstandley.

*Those who voted in the negative were,*

Senators Athon, Berry, Delevan, Dougherty, Hanna, Holloway, Kendall, Knowlton, Logan, Marshall, Mickle, Miller, Milliken, Odell, Reid, Scobey, Teegarden, and Witherow.

## ORDERS OF THE DAY.

The consideration of amendments of the House to Senate bill No. 174, pending at the adjournment on yesterday, was resumed.

The third amendment was concurred in.

The Senate refused to concur in the 4th, 5th and 6th amendments.

## BILLS ON THEIR THIRD READING.

House bill No. 176. A bill to provide for the organization of canal and water-works companies, and for the completion of the unfinished canals in the State of Indiana;

Was read a third time; when,

Mr. Hester moved to insert the word "Assembly," after the word "General," in the enacting clause;

Which was unanimously agreed to; when,

On motion by Mr. Eddy,

The bill was laid on the table.

House bill No. 186. A bill providing for the organization of county boards, and prescribing some of their powers and duties;

Was read a third time, when

Mr. Dawson moved to recommit, with instructions to strike out the provision for extra compensation for certain county officers;

Which was decided in the negative.

The question being, shall the bill pass?

It was decided in the affirmative. Ayes 34; noes 4.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Athon, Berry, Cravens, Davis, Delevan, Dougherty, Eddy, Emerson, Goodman, Hanna, Henton, Hester, Hicks, James, Kendall, Kinnard, Knowlton, Logan, Longshore, Mickle, Miller, Milliken, Odell, Saffer, Scobey, Slack, Sleeth, Todd, Walker, Washburn, Winstandle, and Witherow.

Senators Brugh, Dawson, Niblack and Teegarden, voted in the negative.

Senate bill No. 178. A bill to change the time of holding the probate court of Dearborn county, and providing for a two weeks' session, if the business require it;

Was read a third time and passed—ayes 38, noes 0.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Athon, Berry, Brugh, Cravens, Dawson, Delevan, Dougherty, Eddy, Emerson, Goodman, Hanna, Henton, Hicks, James, Kendall, Kinnard, Knowlton, Logan, Longshore, Marshall, Mickle, Miller, Milliken, Newland, Niblack, Odell, Saffer, Scobey, Slack, Sleeth, Teegarden, Todd, Walker, Washburn, Winstandley and Witherow.

On motion by Mr. Cravens,

House bill No. 14. A bill for the subscription to, and preservation of the public newspapers printed in the several counties of this State; Was taken up.

On motion by Mr. Alexander,

The vote ordering the bill to be engrossed for a third reading, Was reconsidered.

Mr. Alexander then moved to reconsider the vote adopting the amendment leaving subscription optional with the county board.

Which was agreed to.

On motion by Mr. Alexander,

The amendment was laid on the table.

The question then being, shall the bill pass?

It was decided in the affirmative. Ayes 33; noes 5.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Athon, Brugh, Cravens, Davis, Dawson, Delevan, Dougherty, Emerson, Goodman, Hanna, Henton, Hester, Hicks, James, Kendall, Kinnard, Knowlton, Logan, Longshore, Marshall, Mickle, Miller, Newland, Niblack, Saffer, Scobey, Slack, Sleeth, Todd, Winstandley, and Witherow.

Senators Eddy, Milliken, Odell, Teegarden, and Washburn, voted in the negative.

#### BILLS ON THEIR SECOND READING.

Senate joint resolution No. 189. A joint resolution inviting and welcoming Thomas Francis Meagher to the hospitalities of the citizens of Indiana;

Was read a second time and ordered to be engrossed for a third reading.

Senate bill No. 188. A bill to provide for the opening, vacation and change of highways;

Was read a second time and ordered to be engrossed for a third reading.

Mr. Slack moved to reconsider the vote just taken;  
Which was not agreed to.

Message from the House of Representatives, by Mr. Sites, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House insists on its engrossed amendments to Senate bill No. 153, "a bill providing for the settlement of decedents' estates, &c., and has appointed Messrs. Hudson and Bryant a committee of free conference on the part of the House, to act with a similar committee on the part of the Senate.

In which the concurrence of the Senate is respectfully requested.

Mr. Emerson moved that the Senate insist on their disagreement. Which motion prevailed.

Mr. Hester moved that a committee of free conference be appointed;

Which was agreed to.

Senators Hester and Hanna were appointed said committee.

Message from the House of Representatives, by Mr. Sites, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has concurred in the 1st, 2d and 4th engrossed amendments of the Senate, to engrossed House bill No. 137, "an act to provide for a general and uniform system of common schools, and school libraries, and matters properly connected therewith;" and has concurred in the 3d engrossed amendment of the Senate, with an engrossed amendment; and refuse to concur in the 4th amendment.

In which the concurrence of the Senate is respectfully requested.

The amendment of the House to the 3d amendment of the Senate was concurred in.

Mr. Secrest moved to recede from the 4th amendment;

Which was decided in the negative. Ayes 19; noes 22.

The ayes and noes were demanded by Senators Slack and Logan.

*Those who voted in the affirmative were,*

Senators Allen, Athon, Brugh, Delevan, Dougherty, Goodman,

Henton, James, Kinnard, Longshore, Miller, Milliken, Newland, Odell, Saffer, Secrest, Turman, Walker, and Washburn.

*Those who voted in the negative were,*

Senators Alexander, Berry, Dawson, Eddy, Emerson, Hanna, Hicks, Holloway, Hunt, Kendall, Logan, Mickle, Niblack, Reid, Scobey, Slack, Sleeth, Spann, Teegarden, Todd, Winstandley, and Witherow.

Message from the House of Representatives by Mr. Sites, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill of the Senate: No. 181. A bill to change the time of holding circuit courts in the county of Jennings,  
Without amendment.

The following message was received from the House of Representatives, by Mr. Sites, their Clerk:

MR. PRESIDENT:

I am directed by the House to inform the Senate that the House has concurred in the amendment of the Senate to a resolution of the House, authorizing the select joint committee on Revision to examine the enrolled bills at the present session, &c., and has appointed Messrs. Bryant, Lindsay of Howard, and Stuart, the addition to said committee on the part of the House.

When Senators Scobey and Emerson were added to said committee on the part of the Senate.

Also, the following message from the House, by Mr. Sites, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has concurred in the engrossed amendment of the Senate to engrossed amendment of the House to engrossed joint resolution of the Senate No. 170, a joint resolution authorizing the Secretary of State to publish and circulate "an act to provide for the incorporation of railroad companies."

Mr. Turman, from the joint committee on Enrolled Bills, submitted the following report:

MR. PRESIDENT:

The joint committee on Enrolled Bills have compared enrolled bills of the Senate numbered 138, 139 and 152 with the engrossed copies thereof, and find the same correctly enrolled.

On motion by Mr. Athon,  
The Senate adjourned.

2 o'clock, P. M.

The Senate met.

On motion by Mr. Miller,  
Mr. Mickle was called to the chair.  
The following message was received from the House of Representatives, by Mr. Sites, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has concurred in the 2d engrossed amendment of the Senate to engrossed bill of the House No. 260, "an act providing for the appointment of notaries public, and defining their powers and duties," and refuse to concur in the 1st and 3d engrossed amendments of the Senate.

In which the concurrence of the Senate is respectfully requested.

Mr. Niblack moved to insist on the 1st amendment;  
Which was agreed to.

On motion,  
The Senate insisted on their 3d amendment.  
Senators Niblack and Winstandley were appointed a committee of Free Conference on part of the Senate.  
Also the following message:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Sen-

ate that the House has passed the following engrossed bill thereof:  
 No. 273, "an act to authorize railroad companies to increase the amount of their capital stock, to increase the number of their directors, and take stock in branch roads."

In which the concurrence of the Senate is respectfully requested.

The accompanying bill was read a first time and passed to a second reading.

Also, the following message.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has concurred in the 1st engrossed amendment of the Senate to engrossed bill of the House No. 45, "An act to enforce the thirteenth article of the Constitution," and refuse to concur in the 2d engrossed amendment of the Senate,

In which the concurrence of the Senate is respectfully requested.

On motion by Mr. Emerson,

The Senate insisted on their 2d amendment; and,

Senators Berry and James, were appointed a committee of free conference on the part of the Senate.

Also, the following message:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof, No. 246, "An act to authorize the Governor to sell the brick building on the Governor's circle."

In which the concurrence of the Senate is respectfully requested.

The accompanying bill was read a first time and passed to a second reading.

Also, the following message:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof.

No. 292. An act to repeal sections five and six of "an act to establish a free turnpike road in Jay county, &c."

In which the concurrence of the Senate is respectfully requested.

The accompanying bill was read a first time and passed to a second reading.

Mr. Miller introduced,

No. 190. A bill providing for the election and appointment of

supervisors of highways, and prescribing certain of their duties, and those of county and township officers;

Which was read a first time and passed to a second reading.

Mr. Berry from the committee on federal relations, submitted the following report:

**MR. PRESIDENT:**

The committee on federal relations to whom was referred House bill No. 102, have had that subject under consideration and respectfully report it back with the following proposed amendment, which, when concurred in they recommend its passage.

Strike out of section 1, the words "the mayor and common council of the city of Jeffersonville," and insert in lieu thereof, "the Governor," and after the word "licenses," the words "for the term of four years."

Strike out section 2.

Strike out section 4.

Strike out of section 5, the words—"the mayor and common council of Jeffersonville," where they occur in the 3d line and insert "the Governor, Auditor and Treasurer of State," but such fees shall not exceed those now allowed by law.

Strike out of section 6 the words "such mayor and common council," and insert the words "the Governor."

The amendments of the committee were concurred in and ordered to be engrossed, and the bill ordered to a third reading.

Mr. Kendall introduced No. 191, a bill to quiet the title to lands granted for the purpose of county seats, and to legalize the sales of any such lands or any part thereof.

Which was read a first time and passed to a second reading.

Mr. Sleeth offered the following resolution:

*Resolved*, That in the opinion of this Senate, all the important business now pending before the legislature can be properly finished and disposed of (with due deliberation,) by the 18th inst.

*Therefore be it further resolved*, That the Senate will, the House of Representatives concurring, adjourn *sine die* on Friday the 18th instant.

Mr. Emerson moved to strike out the 18th and insert the 21st.

Mr. Winstandley moved to lay the amendment on the table;

Which was agreed to.

Mr. Teegarden moved to strike out 18th and insert 15th;

Which motion prevailed.

Mr. Berry moved to amend the resolution as follows:

Provided the business of the session then be completed.

Mr. Logan moved to lay the amendment on the table;



Which motion prevailed—ayes 26, noes 8.

The ayes and noes were demanded by Senators Emerson and Berry.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Brugh, Cravens, Dawson, Delevan, Goodman, Hickman, Holloway, Hunt, James, Kendall, Knowlton, Miller, Milliken, Newland, Niblack, Odell, Saffer, Scobey, Slack, Sleeth, Teegarden, Walker, Winstandley and Witherow.

*Those who voted in the negative were,*

Senators Berry, Dougherty, Emerson, Henton, Kinnard, Mickle, Reid, and Washburn.

The resolution was then adopted—ayes 29, noes 6

The ayes and noes were demanded by Senators Berry and Emerson.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Cravens, Dawson, Delevan, Dougherty, Goodman, Hanna, Holloway, Hunt, James, Kendall, Kinnard, Knowlton, Miller, Milliken, Newland, Niblack, Odell, Reid, Saffer, Scobey, Slack, Sleeth, Teegarden, Walker, Washburn, Winstandley and Witherow.

*Those who voted in the negative were,*

Senators Berry, Brugh, Emerson, Henton, Hester, and Mickle.

Mr. Emerson offered the following resolution :

*Resolved,* That the Secretary of State be requested to employ a sufficient number of clerks to complete the enrollment of the acts of the present General Assembly, by the 15th inst., and that he ought to be allowed additional compensation if the amount now allowed by law is not sufficient to pay the actual expense of such enrollment.

Which was adopted.

Mr. Hester introduced No. 192. A joint resolution to provide for the suspension of certain laws ;

Which was read a first time and passed to a second reading.

Mr. Slack moved to adjourn.  
Which was decided in the negative.

Mr. Hester moved to take from the table House bill No. 216, A bill regarding inspectors of salt, beef, pork, flour, tobacco and hay; Which was agreed to.  
The question being, shall the bill pass?  
It was decided in the affirmative—ayes 33, noes 3.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Berry, Brugh, Cravens, Dawson, Delvan, Emerson, Goodman, Hanna, Henton, Hester, Hickman, Holloway, Hunt, James, Kendall, Kinnard, Knowlton, Longshore, Mickle, Milliken, Newland, Niblack, Odell, Reid, Saffer, Scobey, Slack, Sleeth, Walker, Washburn, and Witherow.

Senators Miller, Teegarden, and Winstandley voted in the negative.

Mr. Emerson moved to take from the table House bill No. 213, a bill touching official bonds and oaths;  
Which was agreed to.

On motion by Mr. Hester,  
The bill was referred to the committee on Revision.  
Mr. Hester offered the following resolution:

*Resolved*, That the select committee appointed to district the State into judicial circuits, be instructed to report a bill fixing the time of holding circuit courts in the several counties of the State.  
Which was adopted.

Mr. Hester moved to take from the table House bill No. 183, a bill relative to the acknowledgment and recording of deeds heretofore made and recorded.  
Which was agreed to.

The bill was read a third time; and,  
The question being, shall the bill pass;  
It was decided in the negative. Ayes 11; noes 24.

*Those who voted in the affirmative were,*

Senators Hanna, Henton, Hester, Milliken, Newland, Niblack, Saffer, Sleeth, Teegarden, Washburn, and Winstandley.

*Those who voted in the negative were,*

Senators Alexander, Allen, Berry, Brugh, Cravens, Dawson, Delevan, Dougherty, Emerson, Hickman, Holloway, Hunt, James, Kendall, Kinnard, Knowlton, Longshore, Mickle, Odell, Reid, Scobey, Slack, Walker, and Witherow.

Mr. Emerson moved to take from the table a resolution relative to the pay of Senators;

Which was agreed to.

Mr. Emerson moved to amend the resolution by adding the following:

That the President of the Senate be requested to refuse to certify the account of any Senator, until the day of final adjournment.

Which was decided in the affirmative. Ayes 23; noes 14.

The ayes and noes were demanded by Senators Miller and Emerson.

*Those who voted in the affirmative were,*

Senators Allen, Berry, Brugh, Delevan, Dougherty, Emerson, Henton, Hickman, Hunt, Kinnard, Knowlton, Longshore, Mickle, Niblack, Odell, Reid, Saffer, Scobey, Sleeth, Walker, Washburn, Winsteadley, and Witherow.

*Those who voted in the negative were,*

Senators Alexander, Cravens, Dawson, Goodman, Hanna, Hester, Holloway, James, Kendall, Miller, Milliken, Newland, Slack, and Teegarden.

Mr. Miller moved to add the words "without they are excused by the Senate."

Which was agreed to.

Mr. Hanna moved to lay the amendment and the resolution on the table.

A division of the question was called for.

The President having decided the question divisible,

The first question was, will the Senate lay the amendment on the table?

Which was decided in the negative.

The question being on laying the resolution on the table;

It was decided in the negative. Ayes 14; noes 23.

The ayes and noes were demand by Senators Berry and Emerson.

*Those who voted in the affirmative were,*

Senators Alexander, Cravens, Dawson, Goodman, Hanna, Hester, Holloway, James, Kendall, Miller, Milliken, Newland, Slack, and Teegarden.

*Those who voted in the negative were,*

Senators Allen, Berry, Brugh, Delevan, Dougherty, Emerson, Henton, Hickman, Hunt, Kinnard, Knowlton, Longshore, Mickle, Niblack, Odell, Reid, Saffer, Scobey, Sleeth, Walker, Washburn, Winsteadley, and Witherow.

Mr. Reid moved to add the following:

Unless, excused by a direct vote of the Senate, and entered in the journals, with the reasons for such excuse.

Which was agreed to.

On motion by Mr. Hanna,

The further consideration of the resolution was postponed till Monday next.

Mr. Hanna moved to adjourn,

Which motion did not prevail.

Message from the House of Representatives, by Mr. Sites, their clerk:

**MR. PRESIDENT:**

I am directed by the House to inform the Senate that the House has concurred in the following resolution of the Senate:

*Resolved*, that the Senate will, the House concurring, adjourn *sine die* on Tuesday the 15th inst.

On motion by Mr. Sleeth,  
The Senate adjourned.

MONDAY MORNING, }  
June 7, 1852. }

The Senate met.

On motion,

Mr. Mickle was called to the chair.

On motion by Mr. Berry,

The reading of the journal was dispensed with.

On motion by Mr. Saffer,

A call of the Senate was ordered.

Senators Alexander, Athon, Davis, Eddy, Hicks, Logan, Longshore, Marshall, Niblack, Secrest, Spann, Turman, and Washburn, were absent.

Mr. Emerson moved to reconsider the vote dispensing with the reading of the journal ;

Which motion prevailed ; when,

The journal of Saturday was read.

#### REPORTS SUBMITTED.

By Mr. Hester, from the select committee on Revision :

MR. PRESIDENT :

The select committee on Revision to whom was referred House bill No. 213, have had the same under consideration, and have directed me to report it back and recommend its passage, and ask to be discharged from the further consideration thereof.

The question being, shall House bill No. 213, a bill touching official bonds and oaths, pass?

It was decided in the affirmative—ayes 35, noes 0.

*Those who voted in the affirmative were,*

Senators Allen, Berry, Brugh, Cravens, Dawson, Delevan, Dougherty, Emerson, Goodman, Hanna, Henton, Hester, Hickman, Holloway, Hunt, James, Kendall, Kinnard, Knowlton, Mickle, Miller, Miliken, Newland, Niblack, Odell, Reid, Saffer, Scobey, Slack, Sleeth, Teegarden, Walker, Washburn, Winstandley, and Witherow.

On motion by Mr. Hester,

The order of business was suspended.

Mr. Hester moved to take up House bill

No. 94. A bill to constitute a council to be composed of officers of State, without whose advice and consent the Governor shall not have power to grant pardons; and to regulate the grant of such pardons, and the remission of fines and forfeitures;

Which was agreed to.

On motion by Mr. Hester,

The vote adopting the amendments, was reconsidered.

On motion by Mr. Hester,

The amendments were laid on the table.

The question being, shall the bill pass?

It failed for want of a constitutional majority—ayes 25, noes 10.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Berry, Brugh, Cravens, Delevan, Emerson, Goodman, Hanna, Henton, Hester, Hickman, Hunt, James, Knowlton, Mickle, Milliken, Newland, Reid, Saffer, Scobey, Sleeth, Walker, Washburn, and Winstandley.

*Those who voted in the negative were,*

Senators Dawson, Dougherty, Holloway, Kinnard, Miller, Niblack, Odell, Slack, Teegarden, and Witherow.

#### RESOLUTIONS OFFERED.

The consideration of the resolution offered on Saturday, relative to the pay of Senators prior to adjournment was resumed.

The question being will the Senate adopt the resolution?

It was decided in the affirmative. Ayes 23; noes 13.

The ayes and noes were demanded by Senators Emerson and Reid.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Berry, Brugh, Delevan, Dougherty, Emerson, Hanna, Henton, Hester, Hickman, Hunt, Knowlton, Mickle, Niblack, Odell, Reid, Sleeth, Teegarden, Walker, Washburn, Winstandley, and Witherow.

*Those who voted in the negative were,*

Senators Cravens, Dawson, Goodman, Holloway, James, Kendall, Kinnard, Miller, Milliken, Newland, Saffer Scobey, and Slack.

By Mr. Reid:

WHEREAS, by a joint resolution of the General Assembly a certain number of copies of the acts organizing courts of common pleas free banks, general rail roads, &c. have been ordered to be printed in pamphlet form, and distributed among the several counties of this State, therefore,

*Be it resolved*, That the State Printer be requested to print an additional number of 250 copies of said laws for the use of the Senate. Which was adopted.

#### ORDERS OF THE DAY.

#### *Bills on their Third reading.*

Senate joint resolution

No. 189. A joint resolution inviting and welcoming Thomas Francis Meagher to receive the hospitalities of the citizens of Indiana.

Was read a third time and passed. Ayes 36; noes none.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Berry, Brugh, Cravens, Dawson, Delavan, Dougherty, Emerson, Goodman, Hanna, Henton, Hester, Hickman, Holloway, Hunt, James, Kendall, Kinnard, Knowlton, Mickle, Miller, Milliken, Newland, Niblack, Odell, Reid, Saffer, Scobey, Slack, Sleeth, Teegarden, Walker, Washburn, Winstandley, and Witherow.

On motion by Mr. Hester,

The previous order of business was suspended.

On motion by Mr. Hester,

The vote on the passage of Senate bill No. 183, a bill for the repeal of an act entitled "An act for the incorporation of the town of Indianapolis, was reconsidered.

On motion by Mr. Hester,

The bill was referred to a select committee.

Senators Hester, Todd, Saffer, Newland and Berry were appointed said committee.

The order of business was resumed.

Senate bill No. 188, a bill to provide for opening, vacation and change of highways,

Was read a third time and passed. Ayes 33; noes 1.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Berry, Brugh, Cravens, Dawson Delevan, Dougherty, Emerson, Goodman, Hester, Hickman, Holloway, Hunt, James, Kendall, Kinnard, Knowlton, Mickle, Miller, Milliken, Newland, Niblack, Odell, Reid, Saffer, Scobey, Slack, Sleeth, Teegarden, Walker, Washburn and Witherow.

Senator Winstandley voted in the negative.

House bill No. 102, a bill regulating the licensing of pilots at the falls of the Ohio; requiring bond and security of such pilots, prohibiting unlicensed persons from acting as such pilots, and providing for the compensation of such pilots, and the revocation of their licenses;

Was read a third time, and,

The question being, shall the bill pass?

It was decided in the affirmative. Ayes 33; noes 1.

*Those who voted in the affirmative were,*

Senators Allen, Berry, Brugh, Cravens, Dawson, Delevan, Dougherty, Emerson, Goodman, Henton, Hester, Hickman, Holloway, Hunt, James, Kinnard, Knowlton, Mickle, Miller, Milliken, Newland, Niblack, Odell, Reid, Saffer, Scobey, Slack, Sleeth, Walker, Washburn, Winstandley and Witherow.

Senator Teegarden voted in the negative.

Mr. Hester moved to suspend the order of business,

Which being agreed to, he submitted the following report:

**MR. PRESIDENT:**

The select committee to whom was referred Senate bill No. 183, have had the same under consideration, and have directed me to report it back, with three amendments, and when so amended they recommend its passage; and they asked to be discharged from the further consideration thereof.

*First.* Insert the following:

**SEC. 2.** In case the citizens of said city shall hereafter organize for municipal purposes under any general law of this State for the incorporation of cities, they shall assume the payment of all debts now due from said city; and if they shall fail so to do as such incorporation they shall not enjoy any of the privileges of said general law, but shall forfeit all the benefits of such law, and cease to be a corporation.



*Second.* Add the following:

**SEC. 3.** All the books, papers, and money belonging to the present city, shall be handed over to the treasurer of the county of Marion to be handed back to the city treasurer to be elected under the general incorporation law passed at the present General Assembly when demanded by him.

*Third.* Add the following:

**SEC. 5.** As, owing to the enactment of recent ordinances in said city whereby the constitutional rights of citizens are outraged, it is necessary that this act should be in force immediately, this is hereby declared a case of emergency, and this act shall be in force from and after its passage.

The amendments were concurred in.

The question being, shall the bill pass?

It failed for want of a constitutional majority. Ayes 24; noes 13.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Berry, Brugh, Dawson, Delevan, Dougherty, Emerson, Hanna, Hester, Hickman, Kendall, Kinnard, Longshore, Mickle, Miller, Newland, Niblack, Reid, Saffer, Slack, Sleeth, Teegarden, and Washburn.

*Those who voted in the negative were,*

Senators Athon, Cravens, Henton, Holloway, Hunt, James, Knowlton, Milliken, Odell, Scobey, Walker, Winstandley, and Witherow.

On motion by Mr. Hester,

A call of the Senate was ordered.

Senators Davis, Hicks, Logan, Marshall, Spann, and Todd were absent.

On motion,

Senators Eddy, Secrest and Turman were excused.

On motion,

The call was suspended.

The bill was again taken up;

On motion by Mr. Hester,

The bill was recommitted to the same select committee, with the following instructions:

Add the following:

**SEC. 4.** The city taxes uncollected by the present authorities of the city shall be collected by the county treasurer, and shall be paid over to the treasurer of the city to be elected under the general law for the incorporation of cities, if such citizens shall organize under such law.

**Senate bill No. 191.** A bill to quiet the title of lands granted for

the purpose of county seats, and to legalize the sales of any such lands, or any part thereof,

Was read a second time and ordered to be engrossed for a third reading.

On motion by Mr. Hester,

The order of business was suspended.

Mr. Hester, from a select committee, submitted the following report:

MR. PRESIDENT:

The select committee to whom was referred Senate bill No. 183, being an act to repeal the charter of the city of Indianapolis, have had the same under consideration, and have directed me to report the same back with one amendment, according to instructions.

Mr. Eddy moved to lay the bill and amendment on the table;  
Which was not agreed to.

The question being on the adoption of the amendment,  
It was decided in the affirmative.

The question then being, shall the bill pass?

It was decided in the affirmative—ayes 27, noes 13.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Berry, Brugh, Dawson, Delevan, Dougherty, Emerson, Goodman, Hanna, Hester, Hickman, James, Kendall, Kinnard, Logan, Longshore, Mickle, Miller, Newland, Niblack, Reid, Saffer, Slack, Sleeth, Teegarden, and Washburn.

*Those who voted in the negative were,*

Senators Athon, Cravens, Eddy, Henton, Holloway, Hunt, Knowlton, Milliken, Odell, Scobey, Walker, Winstandley, and Witherow.

On motion by Mr. Slack,

The order of business was suspended.

On motion by Mr. Slack,

The vote on the passage of House bill No. 102, relative to licensing pilots at the falls of the Ohio, was reconsidered.

On motion by Mr. Athon,

The vote adopting the amendments of the committee was reconsidered.

The question being on the adoption of the amendments of the committee,

It was decided in the affirmative. Ayes 25; noes 9.

The ayes and noes were demanded by Senators Athon and Alexander.

*Those who voted in the affirmative were,*

Senators Allen, Berry, Brugh, Dawson, Delevan, Dougherty, Emerson, Hanna, Henton, Hickman, Holloway, Hunt, Kendall, Kinnard, Logan, Longshore, Mickle, Milliken, Newland, Odell, Scobey, Teegarden, Walker, Washburn, and Winstandley.

*Those who voted in the negative were,*

Senators Alexander, Athon, Cravens, Eddy, Goodman, Knowlton, Niblack, Saffer, and Witherow.

The question then being shall the bill pass?

It was decided in the affirmative—ayes 36, noes 1.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Berry, Brugh, Cravens, Dawson, Delevan, Dougherty, Eddy, Emerson, Goodman, Hanna, Henton, Hester, Hickman, Holloway, Hunt, Kendall, Kinnard, Knowlton, Logan, Longshore, Mickle, Miller, Milliken, Newland, Niblack, Odell, Reid, Saffer, Scobey, Teegarden, Walker, Washburn, Winstandley, and Witherow.

Senator Athon voted in the negative.

On motion by Mr. Hester,

The order of business was suspended.

When the following message from the House of Representatives was taken up:

MR. PRESIDENT:

I am directed by the House, to inform the Senate that the House has passed the following engrossed bill of the Senate:

No. 146, a bill to provide for the election and compensation of prosecuting attorneys and their deputies, and prescribing certain of their duties;

With the following engrossed amendments thereto.

In which the concurrence of the Senate is respectfully requested.

The question being, will the Senate concur in the engrossed amendment of the House?

It was decided in the negative.

On motion by Mr. Niblack,  
The order of business was suspended.  
Mr. Niblack offered the following resolution:

*Resolved*, That the Senate will hereafter, during its present session, meet at six o'clock each morning.

Mr. Emerson moved to amend by striking out "six" and inserting "half past five."

On motion by Mr. Milliken,  
The resolution and amendment were laid on the table.

On motion by Mr. Hester,  
The order of business was suspended.

Mr. Hester from a select committee submitted the following report:

MR. PRESIDENT:

The select committee to whom was referred Senate bill No. 167, have had the same under consideration, and have instructed me to report it back and recommend its passage, after the adoption of the accompanying amendments.

The question being, on concurring in the amendments of the committee,

Mr. Winstandley moved to strike out all in relation to merchants' licenses.

Mr. Dougherty moved to recommit the bill and pending amendments to the same select committee;

Which was agreed to.

House bill No. 146. A bill authorizing the Governor to sell the brick building on the Governor's Circle;

Was read a second time and ordered to a third reading.

No. 192 of the Senate. A joint resolution to provide for the suspension of certain acts therein mentioned;

Was read a second time, and ordered to be engrossed.

House bill No. 273. A bill to authorize railroad companies to increase the amount of their capital stock;

Was read a second time; when

On motion by Mr. Reid,

It was referred to the committee on Corporations.

House bill No. 192. A bill to repeal sections 5 and 6 of an act entitled an act to establish a free turnpike road in Jay county;

Was read a second time and ordered to a third reading.

Senate bill No. 190. A bill providing for the election or appointment of supervisors of highways and prescribing certain of their duties and those of county and township officers in relation thereto;

Was read a second time, when,

On motion by Mr. Milliken,

It was referred to a select committee.

Senators Milliken, Slack and Washburn were appointed said committee.

Mr. Winstandley, from the committee on Finance, submitted the following report:

**MR. PRESIDENT:**

The committee on Finance, to whom was referred Senate bill No. 62, entitled "an act defining the duties of county treasurers," have had the same under consideration, and a majority of the committee have instructed me to report the bill back and recommend that it be laid on the table, a general law on that subject having passed at the present session of the General Assembly.

Which was concurred in.

The following message was received from the House of Representatives, by the Mr. Sites, their Clerk:

**MR. PRESIDENT:**

I am directed by the House to inform the Senate that the Speaker has signed the following enrolled bills thereof:

Nos. 195 and 203; also, Senate bills 138, 139 and 152;

Which I am directed to bring to the Senate for the signature of the President thereof.

Also, the following message:

**MR. PRESIDENT:**

I am directed by the House of Representatives to inform the Senate that the House has concurred in the following resolution of the Senate:

*Resolved*, That the Secretary of State be requested to employ a sufficient number of clerks to complete the enrollment of the acts of the present General Assembly by the 15th inst., and that he ought to be allowed additional compensation, if the amount now allowed by law is not sufficient to pay the actual expenses of such enrollment.

Also, the following message :

MR. PRESIDENT :

I am directed by the House to inform the Senate that the House has appointed Messrs. Gibson and Stover a committee of Free Conference on the part of the House, to act with a similar committee already appointed on the part of the Senate, to adjust the disagreement of the two Houses to Senate amendments to House bill No. 260, "an act providing for the appointment of notaries public, and defining their powers and duties."

When,

On motion by Mr. Athon,  
The Senate adjourned.

2 o'clock, P. M.

The Senate met.

Hon. James H. Lane, Lieutenant Governor, in the chair.

The special order of the day—being Senate bill No. 179, a bill districting the State for judicial circuits—was taken up.

On motion by Mr. Reid,

A call of the Senate was ordered.

On motion by Mr. Teegarden,

Mr. Alexander was excused.

Senators Allen, Davis, Kendall, Marshall, Saffer, Slack, Turman, and Washburn were absent.

On motion by Mr. Winstandley,

The call was suspended.

The question was, will the Senate adopt the amendment proposed, striking out Jackson from the third and attaching it to the second circuit?

Which was decided in the affirmative.

The question then was, will the Senate adopt the amendment proposed by the committee? when,

Mr. Eddy moved to lay the bill and pending amendment on the table;

Which motion prevailed.

When the following message was received from the House of Representatives, by Mr. Sites, their Clerk:

**MR. PRESIDENT:**

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill of the Senate No. 159. An act touching gaming contracts," with sundry amendments of the House thereto;

In which the concurrence of the Senate is respectfully requested.  
The amendments of the House were concurred in.

Also, the following message:

**MR. PRESIDENT:**

I am directed by the House of Representatives to inform the Senate that the House recedes from its disagreement to the 1st and 3rd engrossed amendments of the Senate to House bill No. 260. An act providing for the appointment of Notaries Public and defining their power and duties, and concur in the third amendment, and also concur in the 1st engrossed amendment with an amendment.

In which the concurrence of the Senate is respectfully requested.

The amendment of the House to the 1st engrossed amendment of the Senate was concurred in.

Mr. Milliken, from a select committee, submitted the following report:

**MR. PRESIDENT:**

The committee to whom was referred bill of the Senate No. 190, have had the same under consideration, and a majority have directed me to report it back without amendment, and recommend its passage.

The accompanying bill was ordered to be engrossed for a third reading.

Mr. Washburn introduced

No. 193. A bill to provide for a register of negroes and mulattoes in this State, describing some of the duties of township assessors and clerks of the circuit court;

Which was read a first time and passed to a second reading.

Mr. Washburn introduced

No. 194. A joint resolution in relation to the lands granted by the United States to the State of Indiana, for the use of common schools;

Which was read a first time and passed to a second reading.

On motion by Mr. Athon,  
 House bill No. 118. A bill authorizing alien friends to take by  
 descent or otherwise;  
 Was taken up.  
 The question being, shall the bill pass?  
 It was decided in the negative. Ayes 18; noes 19.

*Those who voted in the affirmative were,*

Senators Athon, Berry, Cravens, Eddy, Goodman, Henton, Hicks,  
 Holloway, Longshore, Marshall, Newland, Niblack, Reid, Slack,  
 Spann, Todd, Walker, and Washburn.

*Those who voted in the negative were,*

Senators Allen, Brugh, Delevan, Emerson, Hanna, Hickman,  
 James, Kinnard, Knowlton, Miller, Milliken, Odell, Saffer, Scobey,  
 Secrest, Sleeth, Teegarden, Washburn, and Witherow.

The following message was received from the House of Represen-  
 tatives, by Mr. Sites, their Clerk:

**MR. PRESIDENT:**

I am directed by the House of Representatives to inform the Senate  
 that the House recedes from the 1st, 5th, 12th, 14th, 16th, 17th, 31st,  
 32d and 35th engrossed amendments of the House to engrossed bill  
 of the Senate No. 169, "A bill to revise, simplify and abridge the  
 rules, practice, pleadings and forms in civil cases in the courts of this  
 State, &c., and have refused to recede from the 2d, 6th, part of the  
 8th, 9th, 10th, 19th, 27th and 28th engrossed amendments of the  
 House thereto; and that the House has discharged the committee of  
 free conference heretofore appointed.

In which the concurrence of the Senate is respectfully requested.

The Senate receded from their disagreement to part of the 8th, 9th,  
 10th and 19th amendments, and refused to recede from their disa-  
 greement to the 27th amendment.

The Senate receded from their disagreement to the 28th, and re-  
 fused to recede from their disagreement to the 2d amendment of the  
 House.

Also, the following message from the House of Representatives:

**MR. PRESIDENT:**

I am directed by the House of Representatives to inform the Sen-



ate, that the House has passed the following engrossed bill of the Senate:

No. 178, an act to establish courts of conciliation, to prescribe rules and proceedings therein, and compensation of judges thereof, with one engrossed amendment of the House thereto.

In which the concurrence of the Senate is respectfully requested.

Mr. Emerson moved to concur with the following amendment:

Strike out the words "two dollars and fifty cents," and insert the words "five dollars."

Which motion did not prevail.

The Senate refused to concur in the engrossed amendment of the House.

Mr. Hester moved to take from the table Senate bill No. 142, a bill to organize the militia, providing for the appointment and prescribing the duties of certain officers thereof.

Mr. Hester moved to concur in the following amendments of the House, namely: the 4th, 5th, 6th, 7th, 8th, 9th, 10th, 11th, 14th, 15th, 16th, 17th, and 18th.

Which was agreed to.

Mr. Hester moved to concur in the 1st amendment after striking out of the second line thereof the word "regiment," and inserting "regimental district."

Which motion prevailed.

Mr. Hester moved to concur in the 2d amendment, after adding the following: "and the persons thus recommended shall be so commissioned."

Which was agreed to.

On motion by Mr. Hester,

The Senate refused to concur in the 12th and 13th amendments.

Mr. Teegarden moved to adjourn.

Which was not agreed to.

On motion by Mr. Slack,

Senate bill No. 179—being a bill for the formation of judicial circuits—was again taken up.

Mr. Hickman moved to strike out from the enacting clause and insert the following in lieu thereof:

The judicial circuits to be composed of the following counties, viz:

*First Circuit.*—Posey, Vanderburgh, Warrick, Spencer, Perry, Dubois, Pike, Gibson, Knox, Daviess and Martin.

*Second Circuit.*—Lawrence, Jackson, Orange, Washington, Scott, Crawford, Harrison, Eloyd and Clark.

*Third Circuit.*—Dearborn, Ripley, Jennings, Ohio, Switzerland, Jefferson, Bartholomew and Brown.

*Fourth Circuit.*—Wayne, Henry, Rush, Fayette, Union, Franklin and Decatur.

*Fifth Circuit.*—Allen, Huntington, Whitley, Wells, Adams, Blackford, Jay, Randolph, Delaware and Grant.

*Sixth Circuit.*—Marion, Hendricks, Hancock, Johnson, Shelby, Hamilton and Madison.

*Seventh Circuit.*—Putnam, Parke, Vermillion, Vigo, Clay, Monroe, Owen, Greene, Sullivan and Morgan.

*Eighth Circuit.*—Warren, Fountain, Tippecanoe, Clinton, Tipton, Boone, Montgomery, and Benton.

*Ninth Circuit.*—Jasper, Pulaski, Fulton, White, Cass, Carroll, Howard, Miami, Wabash and Tipton.

*Tenth Circuit.*—Lake, Porter, Laporte, St. Joseph, Marshall, Starke, Elkhart, Kosciusko, Lagrange, Noble, Steuben and DeKalb.

Mr. Slack moved to suspend the order of business ;  
Which motion did not prevail.

On motion by Mr. Slack,

The order of business was suspended ; when,

The Senate took up the following message from the House of Representatives :

**MR. PRESIDENT :**

I am directed by the House of Representatives to inform the Senate that the House has appointed Messrs. King and Stuart a committee of free conference to take into consideration the disagreement of the two Houses to bill of the Senate

No. 169. A bill to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, &c.

In which the concurrence of the Senate is respectfully requested.

Senators Slack and Berry were appointed said committee on the part of the Senate.

The following message was received from His Excellency, the Governor, by Mr. King, his private secretary :

**MR. PRESIDENT :**

I am directed by the Governor, to inform the Senate that he has approved and signed the following bills, viz :

No. 123. An act providing for an organization of circuit courts, the election of judges thereof, and defining their powers and duties.

No. 152. An act prescribing certain misdemeanors punishable only by a justice of the peace.

No. 138. An act providing for the election of clerks of the circuit court, and prescribing some of their duties.

No. 139. An act providing for the election of county sheriffs, and prescribing some of their duties.

Which bill originated in the Senate.

On motion by Mr. Longshore,  
The Senate adjourned.

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TUESDAY MORNING, }  
June 8, 1852. }

The Senate met.

On motion by Mr. Saffer,  
Mr. Mickle was called to the chair.

The reading of the journal was commenced ; when,

On motion by Mr. Milliken,  
The further reading of the journal was dispensed with.

#### REPORTS SUBMITTED.

By Mr. Emerson, from the committee on Finance:

MR. PRESIDENT:

The committee on Finance to whom was referred, House bill No. 173, entitled "a bill to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and Treasurer of State," have had the same under consideration, and have proposed one amendment thereto, and upon the adoption of said amendment a majority of said committee recommend the passage of said bill.

Amend as follows: strike out the word "January" wherever it occurs and insert the word "March" in lieu thereof.

The amendment proposed by the committee was concurred in.

Mr. Winstandley moved to strike out sections 32, 33, 34, 35, and insert the following.

SEC. —. It shall be the duty of every railroad, plank road, turnpike road, canal, and bridge company in this State, to furnish to the

auditor of the county where their principal office is situated, a list of all the stock in said company owned by persons not residents of this State, and its value attested by the oath of the president or secretary of said company. And if any railroad company shall not have in this State its principal office for the transaction of its financial business, it shall be the duty of the president, cashier, secretary, treasurer, engineer, or constructing agent of such company, to furnish to the auditor of the county where the said road first enters the State, a statement, under the oath or affirmation of the officer making it, specifying the amount and value of all real estate owned by such company in this State, the amount expended in the construction of said road in this State, and the amount invested in machinery and rolling stock of every kind, which said machinery and rolling stock shall be assessed for taxation in proportion as the length of the road in this State bears to the length of the line of said road.

SEC. —. It shall be the duty of the said auditor to enter the name of such company upon the tax duplicate, with the amount and value of such stock, and assess thereon for State, county, school and road taxes according to the amount of taxes fixed for said purposes for that year; and the said president or other proper officer of any company shall pay to the treasurer of the proper county the taxes so assessed as aforesaid on said stock, together with all damages, interest, and costs that may be due thereon.

SEC. —. It shall be the duty of every incorporated company in this State, except railroads, plank roads, turnpike roads, canals, and bridge companies, to furnish to the auditor of the county where their principal office is situated, a written statement specifying:

1st. The real estate, if any, owned by such company, the township and county in which it is situated, and the cash value thereof.

2d. The capital stock actually paid in and secured to be paid in, and the cash value thereof.

3d. The amount of stock held by the State or any incorporated literary or charitable institution.

4th. The town or place in which the principal office or place of transacting the financial business of said company is situated; which statement shall be signed by the officer making it, and shall be certified under oath or affirmation of the president or other officer making it, on said statement, to be in all respects just and true.

SEC. —. The said auditor shall enter the name of such company upon the tax duplicate, together with the amount and value of the capital stock of said company, and direct the county treasurer of said county to collect the tax on the same according to law; and the said president, or other proper officer, shall pay to the treasurer of said county the amount of taxes assessed as aforesaid, together with all damages, interest, and costs that may be due and owing.

SEC. —. If any of the said companies shall fail or refuse to furnish the statement above required by the first day of June, the said

county auditor shall proceed to make out the said list from the best information he can obtain.

SEC. — If the statement above required shall not be furnished by the first day of June, the company refusing or neglecting to furnish such statement, shall forfeit and pay to the State of Indiana the sum of two thousand dollars, to be recovered in the name of the State of Indiana, in action of debt; and it is hereby made the duty of the said county auditor to cause suits to be commenced for the recovery of the penalties specified in this section.

SEC. — It shall be the duty of the treasurer of said county to ascertain the distance that the said railroads, plank roads, turnpike roads, or canals run in any other county or counties in this State, and divide the tax so collected from the stock owned by non-resident stockholders, except the State tax, after deducting his commissions for collecting the same, among said counties in proportion to the length of said roads or canals in said counties; and if any toll bridge is situated in two or more counties, the said treasurer shall divide the tax so collected from any such bridge company equally between the counties in which said bridge may be situated; and the said treasurer, upon paying over any tax to any other county, shall take the receipt of the county treasurer to whom he may pay the same, and the said receipt shall be a sufficient voucher to said treasurer in his settlement with the county auditor.

The question being, will the Senate adopt the amendment?

It was decided in the negative. Ayes 14; noes 25.

The ayes and noes were demanded by Senators Winstandley and Holloway.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Athon, Delevan, Henton, Holloway, James, Logan, Marshall, Milliken, Niblack, Reid, Walker, and Winstandley.

*Those who voted in the negative were,*

Senators Cravens, Dawson, Dougherty, Eddy, Emerson, Goodman, Hanna, Hickman, Hunt, Kendall, Kinnard, Knowlton, Mickle, Miller, Newland, Odell, Saffer, Scobey, Secrest, Spann, Teegarden, Todd, Turman, Washburn, and Winstandley.

Mr. Reid moved to insert at the end of section 23 the following: *Provided*, That each tax payer may, and is hereby authorized, to deduct the amount of his indebtedness out of his solvent claims.

Which motion prevailed. Ayes 42; noes 2.

The ayes and noes were demanded by Senators Reid and Winstandley.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Athon, Berry, Cravens, Dawson, Delevan, Dougherty, Eddy, Emerson, Goodman, Hanna, Henton, Hester, Hickman, Hicks, Holloway, Hunt, James, Kendall, Knowlton, Logan, Longshore, Marshall, Mickle, Miller, Milliken, Newland, Niblack, Odell, Reid, Saffer, Scobey, Secrest, Sleeth, Spann, Teegarden, Todd, Turman, Walker, Washburn, and Witherow.

Senators Slack and Winstandley voted in the negative.

Mr. Marshall moved to

Insert the words "real estate" after the word "building" in the 11th line of the 32d section;

Which was decided in the affirmative.

Mr. Henton moved to

Amend in the proper place by inserting the following as the 8th specification:

"All lands heretofore sold by the United States, until the term of five years from the day of sale shall have expired."

Which was not adopted—ayes 10, noes 31.

The ayes and noes were demanded by Senators Henton and Eddy.

*Those who voted in the affirmative were,*

Senator Alexander, Athon, Dawson, Eddy, Goodman, Henton, Longshore, Slack, Teegarden, and Walker.

*Those who voted in the negative were,*

Senators Allen, Berry, Brugh, Cravens, Delevan, Dougherty, Emerson, Hester, Hickman, Hicks, Holloway, Hunt, Kinnard, Knowlton, Marshall, Mickle, Miller, Milliken, Newland, Odell, Reid, Saffer, Scobey, Secrest, Sleeth, Spann, Todd, Turman, Washburn, Winstandley, and Witherow.

Mr. Emerson moved that the amendments be considered as engrossed, and the bill read a third time now;

Which motion prevailed; when,

On motion,

The order of business was suspended.

The following message was received from the House of Representatives, by Mr. Sites, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives, to inform the Senate that the House has concurred in the engrossed amendments of the Senate to the 1st and 4th engrossed amendments of the House to bill of the Senate No. 119, "a bill defining felonies, and prescribing punishment therefor," and insists on the 2d, 3d, 5th and 11th engrossed amendments thereof, and have appointed Messrs. Holman and Gookins a committee of Free Conference on the part of the House, to act with a similar committee on the part of the Senate.

In which the concurrence of the Senate is respectfully requested.

Senators Hester and Emerson were appointed said committee on the part of the Senate.

When

The Lieutenant Governor addressed the Senate as follows :

SENATORS:

I am admonished by the early day fixed for the adjournment that the moment for our separation has arrived. The associations that have existed during the last three years are about to be dissolved. I congratulate you upon your success in completing the great work you were sent here to perform.

Your fond anticipations are about to be realized. The bills originated by you, on all the important subjects, will pass by the day fixed or your adjournment. All the statute laws of the State have been revised, and will be republished in one volume. The code simplifying the practice and pleadings in our courts of justice, reported by the commissioners having that duty, will be perfected and adopted. When this great work is completed, Indiana, with a Constitution that will favorably compare with any now in existence, will have a code of laws, plainly and concisely worded, corresponding with the provisions of that instrument, published in one volume, that all may read and understand.

You return to your constituents, with the proud satisfaction that the great work is finished. Take with you the thanks of one who has endeavored, with honesty of purpose, to aid you in forwarding the legislative business; who has been governed by a sincere desire faithfully to discharge every duty; of one who has, no doubt, committed manifold errors, but has perpetrated no intentional wrong.

During the three years I have had the honor to preside over this body, I have not for a single moment had reason to complain of the conduct of a single member. All have aided me in the discharge of my duties; all have been kind and courteous. We separate now, perhaps forever; but so long as I live, will I remember your many kindnesses. Farewell, friends; may health and happiness attend you.

Which,

On motion by Mr. Hester,  
Was ordered to be spread on the journal.

Mr. Hester, from the committee on Free Conference, submitted the following report:

MR. PRESIDENT:

The committee on Free Conference, to whom was referred Senate bill No. 119, and the disagreement of the two Houses upon the House amendments thereto, have had the same under consideration, and have directed me to report that they recommend that the Senate concur in the 3d, 5th and 11th amendments of the House, and they ask to be discharged from the further consideration thereof.

Which was concurred in; when

On motion by Mr. Eddy,

The Senate proceeded by a *viva voce* vote to the election of President *pro tem*.

*Those who voted for Hon. Samuel S. Mickle were,*

Senators Alexander, Allen, Athon, Berry, Brugh, Cravens, Delevan, Dougherty, Eddy, Emerson, Goodman, Henton, Hester, Hickman, Hicks, Holloway, Hunt, Kinnard, Knowlton, Logan, Longshore, Marshall, Miller, Milliken, Newland, Niblack, Odell, Reid, Saffer, Scobey, Secrest, Slack, Sleeth, Teegarden, Todd, Turman, Walker, Washburn, Winstandley and Witherow—40.

Hon. Samuel S. Mickle having received the votes of a majority of all the Senators elected, was declared duly elected President *pro tem*. and took the chair.

Mr. Holloway offered the following resolution:

*Resolved*, That the thanks of the Senate be, and they are hereby tendered to Hon. James H. Lane, President of the Senate, for the able, courteous and impartial manner in which he has presided over this body during the present session.

Which was unanimously adopted.

On motion by Mr. Hunt,

House bill No. 176. A bill for the organization of canal and water works companies, &c.;

Was taken from the table and referred to a select committee.



Senators Hunt, Brugh, Dougherty, and Winstandley were appointed said select committee.

On motion by Mr. Hester,

The following message from the House of Representatives was taken up:

**MR. PRESIDENT:**

I am directed by the House of Representatives to inform the Senate that the House insists on its disagreement to the 5th engrossed amendment of the Senate to House bill No. 137, "an act to provide for a general and uniform system of common schools, &c.," and have appointed Messrs. Bryant and Manson a committee of free conference on the part of the House, to act with a similar committee on the part of the Senate.

In which the concurrence of the Senate is respectfully requested.

Mr. Hester moved that the Senate insist on its disagreement;

Which was agreed to, and,

Senators Niblack, and Berry were appointed a committee of free conference on the part of the Senate.

The following message was received from the House of Representatives, by Mr. Sites, their Clerk:

**MR. PRESIDENT:**

I am directed by the House of Representatives to inform the Senate that the House insists on its engrossed amendments to Senate bill No. 146, "a bill to provide for the election and compensation of prosecuting attorneys, and their deputies, and prescribing certain of their duties," and have appointed Messrs. McConnell and Huffstetter a committee of free conference on the part of the House, to act with a similar committee on the part of the Senate.

In which the concurrence of the Senate is respectfully requested.

On motion by Mr. Hester,

The Senate refused to recede from their disagreement to the amendments of the House.

When,

Senators Hester and Cravens were appointed a committee of Free Conference on part of the Senate.

Mr. Emerson moved to reconsider the vote insisting on the Senate's amendment to House bill No. 137, a bill to provide for a general and uniform system of common schools and school libraries and matters properly connected therewith.

Which motion prevailed.

Mr. Emerson moved that the Senate recede from their disagreement ;

Which motion prevailed—ayes 22, noes 21.

The ayes and noes were demanded by Senators Emerson and Berry.

*Those who voted in the affirmative were,*

Senators Allen, Athon, Brugh, Delevan, Dougherty, Emerson, Goodman, Henton, Hester, Kinnard, Knowlton, Longshore, Miller, Milliken, Newland, Odell, Saffer, Secrest, Slack, Turman, Walker, and Washburn.

*Those who voted in the negative were,*

Senators Alexander, Berry, Dawson, Eddy, Hanna, Hickman, Hicks, Holloway, Hunt, Logan, Marshall, Mickle, Niblack, Reid, Scobey, Sleeth, Spann, Teegarden, Todd, Winstandley, and Witherow.

The following message was received from the House of Representatives by Mr. Sites, their clerk :

**MR. PRESIDENT :**

I am directed by the House of Representatives to inform the Senate that the House insists on its 1st, 2d, 3d and 4th amendments to Senate bill No. 118, "a bill defining misdemeanors, and prescribing punishment therefor," and has appointed Messrs. Holman and Suit a committee of Free Conference on the part of the House, to confer with a similar committee on the part of the Senate.

In which the concurrence of the Senate is respectfully requested.

On motion by Mr. Hester,

The Senate refused to recede from their disagreement ; when Senators Hester and Logan were appointed a committee of Free Conference on part of the Senate.

Also the following message :

**MR. PRESIDENT :**

I am directed by the House to inform the Senate that the House insists on its 2d, 3d, 5th, 6th, and 7th engrossed amendments to bill of the Senate No. 174, "an act to revise, simplify and abridge the rules, practice, pleadings and forms in criminal actions in the courts

of this State," and has appointed Messrs. Gookins and Gibson a committee of Free Conference on the part of the House to act with a similar committee on the part of the Senate.

In which the concurrence of the Senate is respectfully requested.

On motion by Mr. Emerson,

The Senate refused to recede from their disagreement; when, Senators Dougherty and Niblack were appointed a committee of free conference on part of the Senate.

Mr. Slack, from a committee on Free Conference, submitted the following report:

MR. PRESIDENT:

The committee of Free Conference on the part of the Senate, to whom was referred the disagreement of the two Houses on Senate bill No. 169, being the Civil Code of Procedure, have had the same under consideration, and have directed me to report to the Senate that the committee have agreed to the House amendment to the 9th section, with the following amendment after the word "together," in the first line of said section, insert the following: "and the action relates to her separate property."

That the committee on the part of the House receded from the House amendment to the 435th section.

That the committee is unable to agree upon the House amendments to sections 73 and 74.

Which was concurred in.

When,

On motion by Mr. Secrest,

The Senate receded from their disagreements to the House amendments to sections 73 and 74.

The order of business was resumed.

The consideration of House bill

No. 173. A bill to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana; for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of Treasurer and Auditor of State;

Was resumed, and the bill was read a third time; when,

On motion by Mr. Emerson,

A call of the Senate was ordered.

Senators Davis and Kendall were absent

The question being, shall the bill pass?

It was decided in the affirmative. Ayes 29; noes 15.

*Those who voted in the affirmative were,*

Senators Brugh, Cravens, Dougherty, Eddy, Emerson, Goodman, Hanna, Henton, Hester, Hickman, Hicks, Hunt, Kinnard, Knowlton, Longshore, Miller, Newland, Niblack, Odell, Saffer, Scobey, Secrest, Slack, Spann, Todd, Turman, Walker, Washburn, and Witherow.

*Those who voted in the negative were,*

Senators Alexander, Allen, Athon, Berry, Dawson, Delevan, Holloway, Logan, Marshall, Mickle, Milliken, Reid, Sleeth, Teegarden, and Winstandley.

Mr. Mickle from the committee on corporations submitted the following report.

**MR. PRESIDENT:**

The committee on corporations, to whom was referred House bill No. 284, entitled "a bill authorizing the construction of levees and drains have had the same under consideration, and have directed me to report the same back without amendment and recommend its passage.

Mr. Slack moved to consider the bill as engrossed and that it be read a third time now.

Which was agreed to, and the bill read a third time and passed,—  
ayes 36; noes 6.

*Those who voted in the affirmative were,*

Senators Allen, Athon, Berry, Brugh, Cravens, Delevan, Eddy, Emerson, Goodman, Hanna, Henton, Hester, Hickman, Hicks, Holloway, Hunt, Kinnard, Knowlton, Logan, Longshore, Mickle, Miller, Newland, Niblack, Odell, Saffer, Scobey, Secrest, Slack, Spann, Teegarden, Todd, Turman, Walker, Washburn, and Witherow.

*Those who voted in the negative were,*

Senators Alexander, Dawson, Dougherty, Milliken, Sleeth, and Winstandley.

Mr. Hester, from a committee on Free Conference, submitted the following report:

**MR. PRESIDENT:**

The committee on Free conference to whom was referred Senate

bill No. 146, and the disagreement of the two Houses thereto, have had the same under consideration and have instructed me to report that they recommend that the Senate concur in the House amendment; and they ask to be discharged from the further consideration thereof.

Which was concurred in.

Mr. Hester, from a committee on free conference submitted the following report :

MR. PRESIDENT :

The committee of free conference, to whom was referred Senate bill No. 118, a bill defining misdemeanors and prescribing punishment therefor, and the Senate disagreement to House amendments, have had the same under consideration, and have directed me to report, that they recommend that the Senate concur in the 1st, and that the House recede from the 2d, 3d and 4th amendments; and they ask to be discharged from the further consideration thereof.

Which was concurred in.

Mr. Holloway, from the committee on printing, submitted the following report :

MR. PRESIDENT :

The committee on printing, to whom was referred a joint resolution of the Senate No. 113, entitled a joint resolution in relation to settlements with the State Printer, have had the same under consideration, and have directed me to report the same back to the Senate and recommend its passage.

The question being, shall the joint resolution pass?

It was decided in the affirmative—ayes 42, noes 0.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Athon, Berry, Brugh, Cravens, Dawson, Delevan, Dougherty, Eddy, Emerson, Goodman, Hanna, Henton, Hester, Hickman, Hicks, Holloway, Hunt, Kinnard, Knowlton, Logan, Longshore, Mickle, Miller, Milliken, Newland, Niblack, Odell, Reid, Saffer, Scobey, Secrest, Slack, Sleeth, Teegarden, Todd, Turman, Walker, Washburn, Winstandley, and Witherow.

Mr. Hester moved to suspend the order of business.

Which motion prevailed;

When he introduced

No. 195. A bill to provide that purchasers of real estate, forfeited to the sinking fund, who are the legal owners, but who have purchased the State's interest for a sum greater than that due the State and interest thereon, shall not be compelled to pay to the commissioners of the fund the overplus, nor interest thereon.

Was read a first time; when

Mr. Hester moved to suspend the rules and read the bill a second time now;

Which motion prevailed. Ayes 34; noes 7.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Athon, Berry, Cravens, Dawson, Delavan, Eddy, Goodman, Hanna, Henton, Hester, Hickman, Hicks, Holloway, Hunt, Kinnard, Knowlton, Logan, Longshore, Mickle, Miller, Milliken, Newland, Niblack, Odell, Reid, Saffler, Scobey, Secrest, Sleeth, Walker, Washburn, and Winstandley.

*Those who voted in the negative were,*

Senators Dougherty, Emerson, Spann, Teegarden, Todd, Turman, and Witherow.

The bill was read the second time; and,

On motion by Mr. Hanna,

It was referred to the committee on the Judiciary.

On motion by Mr. Winstandley,

The order of business was suspended.

Mr. Winstandley from the committee on Finance submitted the following report:

MR. PRESIDENT:

The committee on Finance, to whom was referred the accompanying sundry resolutions, have had the same under consideration and as legislation has been had on all the subjects embraced therein, have instructed me to report them back to the Senate with the recommendation that the resolutions be laid upon the table;

Which was concurred in.

Mr. Scobey from a select committee submitted the following report:

MR. PRESIDENT :

The select committee to who was referred bill of the House No. 104, "an act to regulate the milage of sheriffs &c," have considered the same and instructed me to report it back with sundry amendments which, when adopted, they recommend its passage.

Mr. Dawson moved to lay the amendments of the committee on the table.

Which motion did not prevail.

Mr. Hicks moved to amend the amendments of the committee by striking out after the word "Johnson" the word "ninety" and inserting the words "one hundred and ten."

Which motion was decided in the negative.

Mr. Henton moved to amend the amendment by striking out the words "seventy-one" after the word "Miami" and inserting in lieu thereof the words "seventy-two"

Mr. Reid moved to amend the amendments as to establish the distance from Indianapolis to the county seat of Fayette county at sixty miles;

Which motion prevailed.

Mr. Odell moved to strike out "sixty three miles" as the distance from the county seat of Tippecanoe county to Indianaoplis, and insert in lieu thereof the words "sixty-seven miles."

Which motion was decided in the affirmative.

The amendments were ordered to be engrossed, and the bill ordered to a third reading.

Mr. Hester offered the following resolution :

*Resolved*, That when the Senate adjourns, it will adjourn to meet to-morrow morning at half past seven o'clock.

Which was adopted.

The following message was received from the House of Representatives, by Mr. Sites, their clerk:

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has concurred in the 2d and 3d engrossed amendments of the Senate to House bill No. 173, "A bill to provide for the valuation and assessment of real and personal property," and refuse to concur in the 1st amendment.

In which the concurrence of the Senate is respectfully requested.

Mr. Slack moved that the Senate recede from their amendment ;

Which motion prevailed. Ayes 22; noes 21.

The ayes and noes were demanded by Senators Winstandley and Marshall.

*Those who voted in the affirmative were,*

Senators Allen, Berry, Brugh, Delevan, Eddy, Emerson, Hanna, Henton, Hickman, Hunt, Logan, Mickle, Miller, Newland, Odell, Saffer, Secrest, Slack, Sleeth, Turman, Walker, and Washburn.

*Those who voted in the negative were,*

Senators Alexander, Athon, Cravens, Dawson, Dougherty, Goodman, Hester, Hicks, Holloway, Kinnard, Knowlton, Marshall, Milliken, Niblack, Reid, Spann, Scobey, Teegarden, Todd, Winstandley, and Witherow.

Mr. Emerson, from a select committee, submitted the following report:

Mr. PRESIDENT:

The select committee to whom was referred House bill No. 290, entitled "An act concerning municipal incorporations," have had the same under consideration, and have made one amendment thereto, and when said amendment is adopted, said committee recommend the passage of the bill.

Insert the following section immediately after the first:

SEC. —. That in all municipal elections under town or city charters in this State, no other qualification shall, hereafter, be required of any voter, than such as is made necessary under the Constitution of the State, except that the voter shall reside in the ward or district where he may offer to vote.

The amendment of the committee was concurred in.

Mr. Milliken moved to

Strike out all the first section, after the enacting clause, and insert the following:

"That no property qualification shall be necessary to render any citizen eligible to hold any office of any municipal incorporation in the State."

Which motion was decided in the negative.

On motion by Mr. Hickman,

The vote just taken was reconsidered.

The question being on the adoption of the amendment,

It was decided in the affirmative.

On motion by Mr. Emerson,

The amendments were considered as engrossed, and the bill read a third time; and,

The question being, shall the bill pass?

It was decided in the affirmative. Ayes 29; noes 6.



*Those who voted in the affirmative were,*

Senators Allen, Athon, Cravens, Dawson, Delevan, Emerson, Goodman, Henton, Hickman, Holloway, Hunt, Kinnard, Knowlton, Longshore, Milliken, Niblack, Odell, Saffier, Scobey, Secrest, Slack, Sleeth, Teegarden, Todd, Turman, Walker, Washburn, Winsteadley, and Witherow.

Senators Berry, Hanna, Hester, Logan, Marshall, and Mickle voted in the negative.

Mr. Emerson moved to strike out the title, and insert the following:

"An act touching the qualifications of officers of municipal incorporations, and also the qualifications of electors at municipal elections and repealing all laws inconsistent with this act."

Mr. Slack moved to take up House bill No. 190;

Which was agreed to.

On motion by Mr. Slack,

The bill was referred to a select committee.

Senators Slack, Longshore and Dawson were appointed said committee.

The following message was received from the House of Representatives, by Mr. Sites, their Clerk:

**MR. PRESIDENT:**

I am directed by the House to inform the Senate that the House has concurred in the report of the committee of Free Conference upon the disagreement between the two Houses upon bill of the Senate No. 119, "a bill defining felonies, and prescribing punishment therefor."

Also, the following message was received from the House of Representatives:

**MR. PRESIDENT:**

I am directed by the House of Representatives to inform the Senate that the House has concurred in the engrossed amendments of the Senate to engrossed bills of the House:

No. 95, "a bill to provide for the enlargement of the Indiana Hospital for the Insane;"

No. 170, "a bill for the regulation of weights and measures;"

No. 216, "an act regarding inspectors of salt, beef, pork, flour, tobacco, and hay ;"

No. 286, "an act to encourage more effectually the destruction of wolves."

Also, the following message was received from the House of Representatives by Mr. Sites their clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House recedes from its engrossed amendment to Senate bill No. 178, "an act to establish courts of conciliation, to prescribe rules and proceedings therein, and compensation of judges thereof."

Mr. Hickman, from the committee on Enrolled Bills, submitted the following report :

MR. PRESIDENT :

The committee on Enrolled Bills, having examined the following bills as enrolled, with the engrossed ones, and finding them correct, have requested me to report them back to the Senate :

Nos. 162, 170 and 156.

Mr. Hickman, from the committee on Enrolled Bills, submitted the following report :

MR. PRESIDENT :

The committee on Enrolled Bills have examined Senate bill No. 181, a bill to change the time of holding courts in the county of Jennings, and find it correctly enrolled.

On motion by Mr. Dougherty,  
The Senate adjourned.

WEDNESDAY MORNING,  
June 9, 1852. }

The Senate met.

The Journal of yesterday was read.

#### PETITIONS PRESENTED.

By Mr. Saffer;

The petition of citizens of the counties of Perry and Spencer, asking that all documents ordered to be printed in the English language may be printed also in the German;

Which,

On his motion,

Was referred to a select committee.

Senators Saffer, Berry, and Niblack were appointed said committee.

On motion by Mr. Saffer,

House bill No. 277. A bill to authorize the State Printer to print, bind, and publish one thousand copies of the laws passed by the present General Assembly in the German language;

Was taken up; and,

On his motion,

Referred to the select committee just appointed.

#### REPORTS SUBMITTED.

By Mr. Hanna, from the committee on the Judiciary:

Mr. PRESIDENT:

The committee on the Judiciary, to whom was referred bill of the Senate No. 195, have had the same under consideration, and have directed me to report the same back with one amendment, to-wit:

Strike out the second section, upon the adoption of which they recommend its passage.

Which was concurred in, and the bill ordered to be engrossed.

On motion by Mr. Emerson,

The committee on Revision was discharged from the further consideration of Senate bill No. 167, being a bill to suppress the traffic in spirituous liquors.

On motion by Mr. Emerson,

The 3d and 4th amendments of the committee were laid on the table.

On motion by Mr. Milliken,

The bill was referred to a select committee.

Senators Berry, Milliken and Emerson were appointed said committee.

By Mr. Hunt, from a select committee:

MR. PRESIDENT:

The select committee to whom was referred House bill No. 176, "a bill to provide for the organization of canal and water works companies, and to provide for the completion of the unfinished canals in the State of Indiana," have had the same under consideration, and have directed me to report the same back with the following amendment to the engrossed amendments of the Senate, and when so amended recommend the passage of the bill:

Strike out all of said engrossed amendment to the word "necessary," and insert before the word "necessary," the words "in connection therewith."

The amendments of the committee were concurred in and ordered to be engrossed and the bill ordered to a third reading.

Mr. Slack introduced

No. 196. A bill providing for the recording of marks and brands, and prescribing the duties of township clerk in relation thereto;

Which was read a first time and passed to a second reading.

On motion by Mr. Berry,

The vote ordering House bill

No. 94. A bill to constitute a council to be composed of officers of State, without whose advice and consent the Governor shall not have power to grant pardons; and to regulate the granting of such pardons, and the remission of fines and forfeitures,

To a third reading, was reconsidered; when,

Mr. Berry moved to

Strike out all after the word "that," in the third line of section 1, and insert in lieu thereof the following:

"All applicants to the Governor for the remission of fines and forfeitures, shall forward to him with their application, the opinion of the propriety of so doing of a majority of the following officers in

the county where the fine was assessed, or forfeiture occurred, viz: the clerk of the circuit court, auditor, sheriff, county treasurer, and such officers as shall, from time to time, have the care and custody of the common school fund within the county.

SEC. 2. As there is an emergency requiring the immediate taking effect of this act, it is declared to be in full force and effect from and after its being filed with the clerks of the circuit courts in their respective counties.

Which amendment was adopted.

On motion by Mr. Berry,

The amendments were considered as engrossed, and the bill read a third time.

The question being, shall the bill pass?

It was decided in the affirmative; ayes 30, noes 11.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Athon, Berry, Brugh, Cravens, Delevan, Eddy, Emerson, Goodman, Henton, Hester, Hickman, Hicks, Hunt, Kinnard, Logan, Longshore, Mickle, Miller, Milliken, Niblack, Reid, Saffer, Secrest, Sleeth, Todd, Turman, Walker, and Washburn.

*Those who voted in the negative were,*

Senators Dawson, Dougherty, Holloway, Knowlton, Marshall, Odell, Scobey, Spann, Teegarden, Winstandley, and Witherow.

Mr. Berry moved to strike out the title, and insert in lieu thereof the following:

"An act relating to the remission of fines and forfeitures."

Which was agreed to.

On motion by Mr. Longshore,

The order of business was suspended.

Mr. Longshore, from a select committee, submitted the following report:

**MR. PRESIDENT:**

The select committee to whom was committed bill of the House No. 292, have had the same under consideration, and have requested me to report the same back, with the following amendments:

After the word "in," in the 13th line of the 2d section, insert the words "Randolph and;" and after the word "Jay," in the same line and section, strike out the word "county," and insert the word "counties" in lieu thereof.

After the word "in," in the 52d line of the 2d section, insert the words "Randolph and."

After the word "Jay," in the 57th line of the same section, insert the words "and Randolph."

After the word "the," in the 67th line of the same section, insert the words "Randolph and."

Upon the adoption of these amendments, the committee would recommend the passage of the bill.

The amendments of the committee were concurred in and ordered to be engrossed, and the bill ordered to a third reading.

#### ORDERS OF THE DAY.

The consideration of Senate bill

No. 179, A bill districting the State into judicial circuits;

Was resumed.

On motion by Mr. Dawson,

A call of the Senate was ordered.

Senators Davis, Kendall, Odell and Winstandley were absent.

On motion,

The further call was dispensed with.

The question being on the adoption of the amendment to the amendment proposed by Mr. Hickman,

Mr. Alexander moved to lay it on the table;

Which was decided in the negative. Ayes 21; noes 21.

The ayes and noes were demanded by Senators Hickman and Alexander.

*Those who voted in the affirmative were,*

Senators Alexander, Athon, Berry, Cravens, Delevan, Emerson, Goodman, Hanna, Hester, Hunt, Kinnard, Logan, Mickle, Miller, Milliken, Newland, Reid, Saffer, Secrest, Sleeth, and Turman.

*Those who voted in the negative were,*

Senators Allen, Brugh, Dawson, Dougherty, Eddy, Henton, Hickman, Hicks, Holloway, Knowlton, Longshore, Marshall, Niblack, Scobey, Slack, Spann, Teegarden, Todd, Walker, Washburn, and Witherow.

On motion,

A call of the Senate was ordered.

Senators Davis, Kendall and Odell were absent.

On motion,

The absentees were sent for.

On motion by Mr. Cravens,

The call was dispensed with.

The question being on the adoption of the amendment to the amendment,

It was decided in the negative. Ayes 21; noes 22.

The ayes and noes were demanded by Senators Hickman and Berry.

*Those who voted in the affirmative were,*

Senators Brugh, Dawson, Dougherty, Eddy, Henton, Hickman, Hicks, Holloway, Kinnard, Knowlton, Longshore, Marshall, Niblack, Scobey, Slack, Spann, Teegarden, Todd, Walker, Winstandley, and Witherow.

*Those who voted in the negative were,*

Senators Alexander, Allen, Athon, Berry, Cravens, Delevan, Emerson, Goodman, Hanna, Hester, Hunt, Logan, Mickle, Miller, Milliken, Newland, Odell, Reid, Saffer, Secrest, Turman, and Washburn.

Mr. Milliken moved to attach Ripley to the fourth circuit, Shelby to the fifth, and Johnson to the third.

Which motion did not prevail.

Mr. Teegarden moved to so amend the amendment that the counties of Lake, Laporte, Porter, St. Joseph, Marshall, Starke, Elkhart, Kosciusko, Lagrange, Noble, DeKalb and Steuben shall constitute a circuit.

Mr. Logan moved to lay the amendment to the amendment on the table.

Which was decided in the affirmative. Ayes 26; noes 17.

The ayes and noes were demanded by Senators Logan and Eddy.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Athon, Berry, Cravens, Delevan, Dougherty, Emerson, Goodman, Hanna, Hunt, Kendall, Kinnard, Logan, Mickle, Miller, Milliken, Newland, Odell, Reid, Saffer, Secrest, Sleeth, Todd, Turman, and Washburn.

*Those who voted in the negative were,*

Senators Brugh, Dawson, Eddy, Henton, Hester, Hickman, Hicks, Holloway, Knowlton, Longshore, Marshall, Niblack, Scobey, Slack, Spann, Teegarden, and Walker.

Mr. Teegarden moved to strike Wabash from the ninth circuit and attach it to the tenth circuit.

Also, strike Howard county from the ninth circuit and attach it to the fifth circuit.

Mr. Henton moved to lay the amendment to the amendment on the table;

Which motion did not prevail.

The question being, shall the amendment to the amendment be adopted?

It was decided in the negative. Ayes 14; noes 26.

The ayes and noes were demanded by Senators Henton and Teegarden.

*Those who voted in the affirmative were,*

Senators Eddy, Hanna, Logan, Longshore, Mickle, Miller, Saffer, Scobey, Slack, Spann, Teegarden, Turman, Winstandley, and Witherow.

*Those who voted in the negative were,*

Senators Alexander, Allen, Athon, Berry, Cravens, Dawson, Delevan, Dougherty, Emerson, Goodman, Henton, Hester, Hickman, Hicks, Holloway, Hunt, Kendall, Kinnard, Knowlton, Newland, Reid, Secrest, Sleeth, Todd, Walker, and Washburn.

Mr. Teegarden moved to attach Howard county to the fifth circuit, Wabash county to the tenth, and White county to the eighth.

Mr. Dawson moved to lay the bill and pending amendments on the table.

Which was decided in the negative. Ayes 14; noes 28.

The ayes and noes were demanded by Senators Dawson and Eddy.

*Those who voted in the affirmative were,*

Senators Dawson, Eddy, Henton, Hickman, Holloway, Kendall, Knowlton, Longshore, Scobey, Spann, Teegarden, Walker, Washburn, and Witherow.

*Those who voted in the negative were,*

Senators Alexander, Allen, Athon, Berry, Cravens, Delevan, Dougherty, Emerson, Goodman, Hanna, Hester, Hicks, Hunt, Kinnard, Logan, Mickle, Miller, Milliken, Newland, Niblack, Reid, Saffer, Secrest, Slack, Sleeth, Todd, Turman, and Winstandley.

On motion by Mr. Henton,

The amendment to the amendment was laid on the table.



Mr. Hickman moved to amend the amendment as follows:

Strike out from the enacting clause and insert the following:

SECTION 1. The counties of Posey, Vanderburgh, Warrick, Spencer, Perry, Dubois, Pike, Gibson, Knox, Daviess and Martin shall constitute the first circuit.

SEC. 2. The counties of Lawrence, Jackson, Orange, Washington, Scott, Crawford, Harrison, Floyd and Clark, shall constitute the second circuit.

SEC. 3. The counties of Dearborn, Ripley, Jennings, Ohio, Switzerland, Jefferson, Bartholomew and Brown, shall constitute the third circuit.

SEC. 4. The counties of Wayne, Henry, Rush, Fayette, Union, Franklin and Decatur, shall constitute the fourth circuit.

SEC. 5. The counties of Allen, Huntington, Whitley, Wells, Adams, Jay, Randolph, Deleware and Grant, shall constitute the fifth circuit.

SEC. 6. The counties of Marion, Hendricks, Hancock, Johnson, Shelby, Hamilton and Madison, shall constitute the sixth circuit.

SEC. 7. The counties of Putnam, Morgan, Vigo, Clay, Monroe, Greene, Sullivan and Owen shall constitute the seventh circuit.

SEC. 8. The counties of Warren, Fountain, Tippecanoe, Vermillion, Clinton, Tipton, Boone, Montgomery and Parke, shall constitute the eighth circuit.

SEC. 9. The counties of Jasper, Pulaski, Fulton, Benton, White, Cass, Carroll, Howard, Miami and Wabash shall constitute the ninth circuit.

SEC. 10. The counties of Lake, Porter, Laporte, St. Joseph, Marshall, Starke, Elkhart, Kosciusko, Lagrange, Noble, Steuben and DeKalb, shall constitute the tenth circuit.

Mr. Berry moved to lay the amendment to the amendment on the table;

Which was decided in the affirmative. Ayes 22; noes 21.

The ayes and noes were demanded by Senators Berry and Teegarden.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Athon, Berry, Cravens, Delevan, Emerson, Goodman, Hanna, Hunt, Kinnard, Logan, Mickle, Miller, Miliken, Newland, Reid, Saffer, Secrest, Sleeth, Todd, and Washburn.

*Those who voted in the negative were,*

Senators Brugh, Dawson, Dougherty, Eddy, Henton, Hester, Hickman, Hicks, Holloway, Kendall, Knowlton, Longshore, Niblack, Scobey, Slack, Spann, Teegarden, Turman, Walker, Winstandley, and Witherow.

Mr. Knowlton moved to strike out the county of Ripley from the third circuit, and attach it to the fourth circuit.

Mr. Berry moved the previous question;

Which was seconded.

The question being, shall the main question be now put?

It was decided in the affirmative.

The question being, will the Senate adopt the amendment to the amendment?

It was decided in the negative.

The question then was, will the Senate adopt the amendment of the committee?

Which was decided in the affirmative. Ayes 27; noes 15.

The ayes and noes were demanded by Senators Berry and Dawson.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Athon, Berry, Cravens, Delevan, Dougherty, Emerson, Goodman, Hanna, Hester, Hunt, Kinnard, Logan, Mickle, Miller, Milliken, Newland, Niblack, Reid, Saffer, Secrest, Slack, Sleeth, Todd, Turman, and Winstandley.

*Those who voted in the negative were,*

Senators Brugh, Dawson, Eddy, Henton, Hickman, Hicks, Holloway, Knowlton, Longshore, Scobey, Spann, Teegarden, Walker, Washburn, and Witherow.

Mr. Logan moved to consider the bill as engrossed, and read it a third time now.

Which was decided in the affirmative. Ayes 30; noes 12.

The ayes and noes were demanded by Senators Logan and Eddy.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Athon, Berry, Cravens, Delevan, Dougherty, Emerson, Goodman, Hanna, Hester, Hicks, Hunt, Kinnard, Logan, Mickle, Miller, Milliken, Newland, Niblack, Reid, Saffer, Secrest, Slack, Sleeth, Spann, Todd, Turman, Washburn, and Winstandley.

*Those who voted in the negative were,*

Senators Brugh, Dawson, Eddy, Henton, Hickman, Holloway, Knowlton, Longshore, Scobey, Teegarden, Walker, and Witherow.

The question being, shall the bill pass?

It was decided in the affirmative. Ayes 26; noes 15.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Athon, Berry, Cravens, Delevan, Dougherty, Emerson, Goodman, Hanna, Hester, Hicks, Hunt, Kindard, Logan, Mickle, Newland, Niblack, Reid, Saffer, Secrest, Slack, Sleeth, Todd, Turman, and Winstandley.

*Those who voted in the negative were,*

Senators Brugh, Eddy, Henton, Hickman, Holloway, Knowlton, Longshore, Miller, Milliken, Scobey, Spann, Teegarden, Walker, Washburn, and Witherow.

On motion by Mr. Niblack,

The order of business was suspended, when,

The following message from the House of Representatives was taken up:

**MR. PRESIDENT:**

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bills thereof:

No. 291. An act supplemental to an act to regulate the sale of the swamp lands donated by the United States to the State of Indiana, and to provide for the draining and reclaiming thereof, in accordance with the condition of said grant; also.

No. 301. An act regulating appeals from the award of arbitrators in certain cases; also,

No. 305. A bill to extend the terms of the probate courts of Daviess county.

In which the concurrence of the Senate is respectfully requested.

No. 305, was read a first time; when,

Mr. Niblack moved to suspend the rules and read the bill a second time now.

Which was decided in the affirmative. Ayes 32; noes 4.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Athon, Berry, Cravens, Delevan, Dougherty, Goodman, Henton, Hester, Hickman, Hicks, Holloway, Hunt, Knowlton, Logan, Longshore, Mickle, Miller, Milliken,

Newland, Niblack, Reid, Saffer, Slack, Sleeth, Spann, Todd, Turman, Walker, Washburn, and Winstandley.

*Those who voted in the negative were,*

Senators Brugh, Emerson, Teegargen, and Witherow.

On motion by Mr. Niblack,

A call of the Senate was ordered.

Senators Allen, Kendall, Marshall Odell, Scobey and Teegarden were absent.

On motion,

The call was suspended.

Mr. Niblack moved to further suspend the rules and read House bill No. 305 a second time now ;

Which was decided in the affirmative. Ayes 37; noes 4.

*Those who voted in the affirmative were,*

Senators Alexander, Athon, Berry, Brugh, Cravens, Dawson, Delevan, Dougherty, Eddy, Goodman, Hanna, Henton, Hester, Hickman, Hicks, Holloway, Hunt, Kinnard, Knowlton, Logan, Longshore, Mickle, Miller, Milliken, Newland, Niblack, Reid, Saffer, Secrest, Slack, Sleeth, Spann, Todd, Turman, Walker, Washburn, and Winstandley.

*Those who voted in the negative were,*

Senators Emerson, Scobey, Teegarden, and Witherow.

The bill was read a second time; when

Mr. Niblack moved to suspend the rules, and read the bill a third time now ;

Which was decided in the affirmative. Ayes 34; noes 2.

*Those who voted in the affirmative were,*

Senators Athon, Dawson, Delevan, Dougherty, Eddy, Goodman, Hanna Henton, Hester, Hickman, Hicks, Holloway, Hunt, Kinnard, Knowlton, Logan, Longshore, Mickle, Miller, Milliken, Newland, Niblack, Reid, Saffer, Secrest, Slack, Sleeth, Spann, Todd, Turman, Walker, Washburn, Winstandley, and Witherow.

Senators Emerson and Teegarden voted in the negative.

The bill was read a third time; and,

The question being, shall the bill pass?

It was decided in the affirmative—ayes 36, noes 0.

*Those who voted in the affirmative were,*

Senators Athon, Cravens, Dawson, Delevan, Dougherty, Eddy, Emerson, Goodman, Henton, Hester, Hickman, Hicks, Holloway, Hunt, Kinnard, Knowlton, Logan, Longshore, Mickle, Miller, Milliken, Newland, Niblack, Reid, Saffer, Secrest, Slack, Sleeth, Spann, Teegarden, Todd, Turman, Walker, Washburn, Winstandley and Witherow.

On motion by Mr. Hester,

Senate bill No. 195 was considered as engrossed, and read a third time.

The question being, shall the bill pass?

It was decided in the affirmative. Ayes 32; noes 4.

*Those who voted in the affirmative were,*

Senators Athon, Berry, Brugh, Cravens, Delevan, Emerson, Goodman, Hester, Hanna, Henton, Hickman, Hicks, Hunt, Logan, Longshore, Mickle, Milliken, Newland, Niblack, Reid, Saffer, Scobey, Secrest, Slack, Sleeth, Spann, Teegarden, Todd, Walker, Washburn, Winstandley, and Witherow.

*Those who voted in the negative were,*

Senators Dougherty, Holloway, Knowlton, and Miller.

Senate joint resolution No. 192. A joint resolution to provide for the suspension of certain acts therein mentioned;

Was read a third time and passed. Ayes 34; noes 0.

*Those who voted in the affirmative were,*

Senators Allen, Berry, Brugh, Cravens, Delevan, Dougherty, Emerson, Goodman, Hanna, Henton, Hester, Hickman, Hicks, Holloway, Hunt, Kinnard, Mickle, Miller, Milliken, Newland, Niblack, Reid, Scobey, Secrest, Slack, Sleeth, Spann, Teegarden, Todd, Turman, Walker, Washburn, Winstandley, and Witherow.

On motion,

The order of business was suspended.

On motion by Mr. Henton,

House bill No. 164. A bill to repeal an act entitled "an act to

amend an act authorizing the construction of plank roads, approved Jan. 15th, 1849," approved January 14th, 1850 ;

Was taken up.

The question being, shall the bill pass?

It was decided in the affirmative. Ayes 33; noes 2.

*Those who voted in the affirmative were,*

Senators Athon, Berry, Brugh, Cravens, Delevan, Dougherty, Emerson, Goodman, Hanna, Henton, Hester, Hickman, Hicks, Holloway, Hunt, Kinnard, Logan, Mickle, Miller, Newland, Niblack, Reid, Saffer, Scobey, Secrest, Slack, Sleeth, Spann, Todd, Turman, Washburn, Winstandley and Witherow.

Senators Milliken and Teegarden voted in the negative.

Senate bill No. 191. A bill to quiet the title to lands granted for the purpose of county seats, and to legalize the sales of any such lands, or any part thereof ;

Was read a third time, and,

The question being, shall the bill pass?

It was decided in the affirmative. Ayes 33; noes 3.

*Those who voted in the affirmative were,*

Senators Athon, Berry, Brugh, Cravens, Delevan, Dougherty, Emerson, Goodman, Henton, Hester, Hickman, Holloway, Hunt, Kinnard, Knowlton, Mickle, Miller, Milliken, Newland, Niblack, Reid, Saffer, Scobey, Secrest, Slack, Sleeth, Spann, Todd, Turman, Walker, Washburn, Winstandley, and Witherow.

*Those who voted in the negative were,*

Senators Hicks, Logan, and Teegarden.

House bill No. 246. A bill to authorize the Governor to sell the brick building on the Governor's Circle ;

Was read a third time ;

And the question being shall the bill pass?

It was decided in the negative. Ayes 14; noes 20.

*Those who voted in the affirmative were,*

Senators Athon, Delevan, Eddy, Goodman, Hicks, Holloway, Hunt, Miller, Milliken, Newland, Slack, Todd, Turman, and Washburn.

*Those who voted in the negative were,*

Senators Berry, Brugh, Dougherty, Emerson, Henton, Hester, Hickman, Knowlton, Logan, Mickle, Niblack, Reid, Saffer, Scobey, Secrest, Sleeth, Teegarden, Walker, Winstandley, and Witherow.

House bill No. 104. A bill to regulate the mileage of sheriffs in conveying convicts to the State Prison, and of county treasurers, in making deposits, and in their annual settlements with the Treasurer and Auditor of State, and the mileage of members of the General Assembly;

Was read a third time.

Mr. Athon moved to amend by striking out 117, and inserting 123, as the number of miles from the county seat of Clark county to Indianapolis;

Which motion did not prevail.

Mr. Eddy moved to amend so as to make the distance from Starke county to Indianapolis 135 miles;

Which was not agreed to.

The question being, shall the bill pass?

It was decided in the affirmative—ayes 34, noes 2.

*Those who voted in the affirmative were,*

Senators Allen, Athon, Berry, Cravens, Delevan, Emerson, Goodman, Henton, Hester, Hickman, Hicks, Holloway, Hunt, Kinnard, Knowlton, Logan, Longshore, Mickle Miller, Milliken, Niblack, Saffer, Scobey, Secrest, Slack, Sleeth, Spann, Teegarden, Todd, Turman, Walker, Washburn, Winstandley, and Witherow.

Senators Eddy and Reid voted in the negative.

House bill No. 191. A bill to amend the third section of an act entitled "an act to incorporate the White River Navigation company, approved February 13th 1851, and to extend the rights and privileges of said company;

Was on its third reading; when,

On motion by Mr. Niblack,

It was laid on the table.

#### BILLS ON THEIR SECOND READING.

Senate bill No. 193. A bill providing for a register of the negroes and mulattoes in this State, describing some of the duties of township assessors, and clerks of the circuit court;

Was read a second time and ordered to a third reading.

Senate joint resolution No. 194. A joint resolution in relation to the lands granted by the United States to the State of Indiana for the use of common schools;

Was read a second time and ordered to a third reading.

The following message was received from the House of Representatives, by the Mr. Sites, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has concurred in the 1st engrossed amendment of the Senate to engrossed bill of the House No. 102, "a bill regulating the licensing of pilots at the falls of the Ohio &c.," and refuse to concur in the 2nd and 3rd engrossed amendments, and has concurred in the 4th and 5th amendments with engrossed amendments thereto;

In which the concurrence of the Senate is respectfully requested.

Mr. Milliken moved that the message of the House be referred to a select committee;

Which was agreed to.

Senators Milliken, Athon and Berry were appointed said committee.

Also, the following message:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has concurred in the 1st, 2nd, 4th, 5th and 6th engrossed amendments of the Senate to House bill No. 48, "an act to provide for the sale of county seminaries, and the property belonging thereto, and to transfer the proceeds thereof to the common school fund," and has concurred in the 3rd engrossed amendment with an amendment;

In which the concurrence of the Senate is respectfully requested.

Mr. Emerson moved that the Senate concur in the amendments of the House;

Which was agreed to.

Also, the following message from the House of Representatives:



**MR. PRESIDENT:**

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bills thereof:

No. 9. "An act to authorize county auditors and recorders to re-copy maps and plats where the original copies shall have become worn or defaced."

No. 300. "An act relative to the salaries of public officers, and providing the manner of paying the same."

In which the concurrence of the Senate is respectfully requested.

The accompanying bill was read a first time and passed to a second reading.

Also, the following message from the House of Representatives:

**MR. PRESIDENT:**

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill:

No. 223. "An act concerning trusts and powers."

In which the concurrence of the Senate is respectfully requested.

The accompanying bill was read a first time and passed to a second reading.

Also, the following message:

**MR. PRESIDENT:**

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof:

No. 285. "A bill providing for the election or appointment of supervisors of highways, and prescribing certain of their duties, and those of county and township officers in relation thereto."

In which the concurrence of the Senate is respectfully requested.

The accompanying bill was read a first time and passed to a second reading.

Also, the following message:

**MR. PRESIDENT:**

I am directed by the House, to inform the Senate that the House has passed the following engrossed bill thereof:

No. 283. "An act regulating the fees of officers."

In which the concurrence of the Senate is respectfully requested.

The accompanying bill was read the first time and passed to a second reading.

Mr. Milliken moved to suspend the order of business;  
Which was agreed to.

Mr. Milliken, from a select committee, submitted the following report:

**MR. PRESIDENT:**

The select committee to whom was referred message of the House in relation to pilots at the falls of the Ohio, have had that subject under consideration, and directed me to report it back to the Senate and recommend that the Senate insist on their 2d amendment, and recede from their 3d amendment, and concur in the amendments of the House to the 4th and 5th amendments of the Senate.

Which was concurred in; when,  
On motion by Mr. Milliken,  
The Senate adjourned.

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2 o'clock, P. M.

The Senate met.

Message from the House of Representatives, by Mr. Sites, their Clerk:

**MR. PRESIDENT:**

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof:

No. 267. A bill to provide for the opening, vacating and change of highways.

Also, joint resolution No. 32. A joint resolution in relation to the extension of time for the payment of claims due from certain citizens of this State to the bondholders.

In which the concurrence of the Senate is respectfully requested.

The accompanying bill and joint resolution were each read a first time and passed to a second reading.

Mr. Niblack, from the committee on Corporations, submitted the following report:

**MR. PRESIDENT:**

The committee on Corporations, to whom was referred bill of the

House No. 273, entitled "An act to authorize railroad companies to increase the amount of their capital stock, to increase the number of their directors, and take stock in branch roads," have had the same under consideration, and a majority of said committee have instructed me to report the same back to the Senate, and to recommend its passage.

The accompanying bill was ordered to a third reading.

Mr. Dawson, from the committee on Banks, submitted the following report:

MR. PRESIDENT:

The committee on Banks, to whom was referred a petition of sundry citizens of Scott county, on the subject of free banking, have had that subject under consideration, and have instructed me to report the same back to the Senate with a recommendation that said report lay upon the table, a bill on that subject having passed the Legislature.

Which was concurred in.

Mr. Saffer, from a select committee, submitted the following report:

MR. PRESIDENT:

The select committee to whom was referred the petition of sundry citizens of the counties of Perry and Spencer, on the subject of printing our laws in the German language, also bill of the House No. 277, on the same subject, have instructed me to report the bill back without amendment, and recommend its passage.

The accompanying bill was read a third time, and,

The question then being shall the bill pass?

It was decided in the affirmative—ayes 36, noes 1.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Berry, Brugh, Dawson, Delevan, Dougherty, Eddy, Emerson, Goodman, Hanna, Henton, Hester, Hicks, Holloway, Hunt, Kinnard, Knowlton, Logan, Mickle, Miller, Milliken, Newland, Niblack, Odell, Saffer, Scobey, Secrest, Slack, Sleeth, Teegarden, Todd, Walker, Washburn, Winstandley, and Witherow.

Senator Turman voted in the negative.

Mr. Emerson from the committee on Banks submitted the following report:

MR. PRESIDENT:

The committee on Banks to whom was referred the reports of the several branches of the State Bank, as also the State Bank of Indiana, have had the said reports under consideration, and have instructed me to report that in the opinion of the committee, the said Bank and branches have been well managed; the said committee recommend said reports to be laid on the table, and they ask to be discharged from the further consideration of the subject.

Which was concurred in.

Mr. Eddy moved to take from the table House bill No. 165. A bill for the repeal of an act limiting the fees of the auditor in the county of Marshall;

Which was agreed to.

On motion by Mr. Eddy,

The bill was referred to the committee on Revision.

On motion by Mr. Alexander,

House bill No. 191, relative to the White Water Navigation Company;

Was taken from the table.

On motion by Mr. Hester,

The bill was read a third time; and,

The question then being, shall the bill pass?

It failed for want of a constitutional majority. Ayes 21, noes 13.

*Those who voted in the affirmative were,*

Senators Alexander, Brugh, Hester, Hicks, Holloway, Hunt, Knowlton, Logan, Longshore, Mickle, Miller, Milliken, Newland, Odell, Saffer, Slack, Sleeth, Teegarden, Todd, Walker, and Washburn.

*Those who voted in the negative were,*

Senators Dawson, Delevan, Dougherty, Eddy, Emerson, Goodman, Henton, Niblack, Scobey, Secrest, Turman, Winstandley, and Witherow.

Mr. Longshore moved that House bill No. 292 be read a third time now;

Which was agreed to.

And the bill read a third time and passed. Ayes 34; noes 3.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Berry, Brugh, Dawson, Delevan, Dougherty, Eddy, Emerson, Goodman, Hanna, Henton, Hester, Hicks, Holloway, Hunt, Kinnard, Knowlton, Logan, Longshore, Mickle, Miller, Milliken, Niblack, Saffer, Scobey, Secrest, Slack, Sleeth, Todd, Turman, Walker, Washburn and Witherow.

Senators Odell, Teegarden, and Winstandley voted in the negative.

Mr. Slack moved to amend the title by striking out the word "county" and inserting the word "counties;" also adding the words "and Randolph" after the word "Jay."

Which was agreed to.

The following message was received from the House of Representatives, by Mr. Sites, their Clerk:

**MR. PRESIDENT:**

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill of the Senate:

No. 164, A bill to provide for the government and support of the Institution for the Education of the Deaf and Dumb;

With two engrossed amendments.

In which the concurrence of the Senate is respectfully requested.

The amendments of the House were concurred in.

Also, the following message:

**MR. PRESIDENT:**

I am directed by the House of Representatives to inform the Senate that the House has discharged the committee of Free Conference appointed on the part of the House, to whom was referred the disagreement of the two Houses to House amendments to Senate bill No. 153, "a bill providing for the settlement of decedents' estates, prescribing the rights, liabilities and duties of officers connected with the management thereof, and of the heirs thereto, and certain forms to be used in such settlement," and has appointed Messrs. Williams and Lindsay of Howard a committee of Free Conference on the part of the House, to confer with a similar committee on the part of the Senate.

In which the concurrence of the Senate is respectfully requested.

Which was concurred in, and  
 Senators Berry and Eddy were appointed said committee on the  
 part of the Senate.

Also, the following message from the House of Representatives:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate  
 that the House has passed the following engrossed bill of the Senate:  
 No. 129. A bill providing for the election and prescribing certain  
 duties of county surveyors;  
 With an engrossed amendment.  
 In which the concurrence of the Senate is respectfully requested.  
 The amendment was not concurred in.

Also, the following message from the House of Representatives:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Sen-  
 ate that the House has passed the following engrossed bill thereof:  
 No. 302, entitled "an act in relation to the assessment and taxa-  
 tion of the stock of canal companies;"  
 In which the concurrence of the Senate is respectfully requested.

The accompanying bill was read a first time, when

Mr. Secrest moved to reject it:

Which was decided in the negative. Ayes 16; noes 25.

The ayes and noes were demanded by Senators Slack and Eddy.

*Those who voted in the affirmative were,*

Senators Dawson, Eddy, Henton, Holloway, Kinnard, Knowlton,  
 Logan, Miller, Milliken, Niblack, Odell, Scobey, Secrest, Todd, Tur-  
 man, and Witherow.

*Those who voted in the negative were,*

Senators Alexander, Allen, Berry, Brugh, Cravens, Delevan, Dough-  
 erty, Emerson, Goodman, Hanna, Hester, Hickman, Hicks, Hunt,  
 Longshore, Mickle, Newland, Reid, Saffer, Slack, Sleeth, Teegarden,  
 Walker, Washburn, and Winstandley.

The bill then passed to a second reading.

Message from the House of Representatives, by Mr. Sites, their  
 Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill of the Senate—No. 176, an act for the incorporation of cities; with sundry engrossed amendments.

In which the concurrence of the Senate is respectfully requested.

On motion by Mr. Eddy,

The bill and the House amendments thereto were referred to a select committee.

Senators Eddy, Winstandley and Todd were appointed said committee.

Mr. Longshore moved to adjourn;

Which motion did not prevail.

Mr. Longshore moved to adjourn;

Which was not agreed to.

Mr. Hanaa, from the committee on the Judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the Judiciary, to whom was referred House bill No. 281, and engrossed amendments of the Senate thereto, have directed me to report the same back, and recommend that after striking out the first amendment of the Senate, the same be then passed as amended.

The bill having been read a third time,

The question being on the passage,

It failed for want of a constitutional majority. Ayes 20; noes 16.

*Those who voted in the affirmative were,*

Senators Allen, Cravens, Emerson, Goodman, Hanna, Hester, Hickman, Kinnard, Mickle, Miller, Milliken, Newland, Niblack, Reid, Slack, Sleeth, Teegarden, Turinan, Walker, and Washburn.

*Those who voted in the negative were,*

Senators Berry, Brugh, Dawson, Dougherty, Henton, Hicks, Holloway, Hunt, Knowlton, Logan, Longshore, Odell, Saffer, Secrest, Todd, and Witherow.

Mr. Goodman presented the following request:

MR. PRESIDENT:

On account of the sickness of my family, I ask leave of absence during the remainder of this session.

BENJ. T. GOODMAN.

Which was granted.

Mr. Dawson presented the following request:

MR. PRESIDENT:

On account of the sickness of my family, I ask leave of absence for the remainder of this session.

R. J. DAWSON.

JUNE 9th, 1852.

Which was not granted.

Mr. Logan, from the committee on Elections, submitted the following report:

MR. PRESIDENT:

The committee on Elections, to whom was referred the certificates of election of members of the Senate, have had the same under consideration, and have directed me to report that they have examined the certificates of the following Senators, and find them duly elected and certified, to-wit:

Ezekiel T. Hickman, John S. Scobey, Levi L. Todd, Ben. Newland, Frank Emerson, Henry Secrest, O. P. Davis, Job Hatfield, Thomas Washburn, James R. Slack, Robert C. Kendall, J. M. Sleeth, L. C. Dougherty, R. H. Crawford, John Witherow, Gilderoy Hicks, Wm. M. Saffer, James Scott Hester, and John L. Spann.

Which was concurred in.

Mr. Dawson moved to take from the table House bill

No. 191. A bill to amend the 3d section of an act entitled "an act to incorporate the White River Navigation Company," approved February 13th, 1851, and to extend the rights and privileges of said company;

Which was agreed to.

The question being, shall the bill pass?

It was decided in the affirmative. Ayes 26; noes 12.

*Those who voted in the affirmative were,*

Senators Alexander, Brugh, Dawson, Delevan, Dougherty, Emerson, Hanna, Hester, Hickman, Hicks, Holloway, Hunt, Kinnard, Knowlton, Logan, Longshore, Mickle, Miller, Milliken, Newland, Reid, Scobey, Slack, Sleeth, Todd, and Washburn.



*Those who voted in the negative were,*

Senators Allen, Berry, Cravens, Eddy, Henton, Niblack, Secrest, Teegarden, Turman, Walker, Winstandley, and Witherow.

Mr. Cravens, from the committee on Enrolled bills, submitted the following report:

MR. PRESIDENT:

The committee on Enrolled bills, to whom was referred bills No. 146, 159 and 178, have examined and compared the same, and find them correctly enrolled.

Message from the House of Representatives, by Mr. Sites, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has concurred in the report of the committee of free conference, on the disagreement of the two Houses to House amendments to Senate bill No. 169, "a bill to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State," &c., and that the House concurs in the amendment of the committee to 2d engrossed amendment of the House thereto:

Also, the following message:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the Speaker has signed the following enrolled bills of the House:

Nos. 199, 261, 80, 279, 14, 278, 286, 260, 213, 170 and 95.

Also, the following enrolled bills of the Senate:

Nos. 156, 162 and 170.

Which I am directed to bring to the Senate for the signature of the President thereof.

Whereupon the President signed the same.

Also, the following message:

MR. PRESIDENT:

I am directed by the House to inform the Senate that the House has concurred in the report of the committee of free conference on the disagreement of the two Houses on Senate bill No. 118, "A bill

defining misdemeanors, and prescribing punishment therefor," and have receded from the 2d, 3d and 4th engrossed amendments of the House thereto.

Also, the following message from the House of Representatives:

**MR. PRESIDENT:**

I am directed by the House of Representatives to inform the Senate that the House has concurred in the engrossed amendments of the Senate to engrossed amendments of the House to Senate bill No. 142, "a bill to organize the militia, providing for the appointment, and prescribing the duties of certain officers thereof," and recede from engrossed amendments of the House.

The following message was received from His Excellency, the Governor, by Mr. King, his private secretary:

**MR. PRESIDENT:**

I am directed by the Governor, to inform the Senate that he has approved and signed the following bills, viz:

No. 181. An act to change the time of holding circuit courts in Jennings county.

No. 162. An act for the prevention of frauds and perjuries, and requiring certain contracts to be in writing, and declaring certain conveyances, assignments, contracts and mortgages void.

No. 156. An act to amend acts of incorporation for the construction of plank roads and turnpike roads.

No. 170. A joint resolution authorizing the Secretary of State to publish and circulate an act to provide for the incorporation of railroad companies, an act to authorize and regulate the business of general banking, an act to establish courts of common pleas, an act to regulate the sale of the swamp lands donated by the United States to the State of Indiana, and to provide for the draining and reclaiming thereof, in accordance with the condition of said grant, an act to divide the State into congressional districts, and an act to submit to the voters of the counties of Perry and Spencer, at the general election of the year 1852, a proposal to create a new county.

Which bills originated in the Senate.

When,

On motion by Mr. Scobey,

The Senate adjourned.

THURSDAY MORNING, }  
June 10, 1852. }

Senate met.

The journal of yesterday was read.

Mr. Emerson moved to suspend the order of business;  
Which motion prevailed.

Mr. Emerson moved to take from the table Senate bill No. 103, "a bill in relation to the vending of spirituous liquors," and refer the same to the select committee appointed on yesterday.

Which was agreed to.

#### REPORTS SUBMITTED.

By Mr. Eddy, from a select committee:

MR. PRESIDENT:

The select committee to whom was referred Senate bill No. 176, "in relation to the incorporation of cities," with the engrossed amendments of the House, recommend that the Senate concur in the following amendments of the House, to-wit:

In the 1st, 2d, 5th, 7th, 8th, 9th, 10th, 11th, 12th, 13th, 15th, 17th, 18th, 19th, 20th, 24th, 27th, 28th, 29th, 30th, 32d, 33d, and 34th engrossed amendments of the House.

In the 4th with the following amendment—add thereto the words "for that purpose."

Concur in the 6th with the following amendment:

After the words "exercise the" in the 3d line of the 2d page of said amendment, insert the word "judicial," and strike out after the word "mayor" in the line following, all to the word "and" in the 6th line. Insert after the word "emolument" in the 7th line, the word "therefor."

Concur in the 14th with the following amendment:

Strike out the amendment of the House and insert in lieu thereof the words "gaming and" before the word "suppress" in the subdivision of the bill specified in such amendment.

Concur in the 16th amendment with the following:

Strike out from subdivision 1st the word "license" and from subdivision 3d the words "mayor," and add said subdivisions thus amended together with the 2d as additional subdivisions to section 34 of the bill.

Strike out of subdivision 4, all to the last clause thereof, except the words "tallow chandlers, soap factories and other buildings or structures," and add thereto the following—"and prohibit the erection of such buildings, or the continuance of noxious trades or business therein, whenever the health or welfare of the city shall require the same.

Amend the last clause of said subdivision so as read,

"For the removal and abatement of nuisances, to carry out and enforce sanitary regulations, and for the apprehension of vagrants or disorderly persons, the common council shall have jurisdiction one mile beyond the corporate limits of such city;" such clause to constitute a distinct section following section 34 in the bill.

And that the Senate do not concur in the 3d, 25th, 26th, 31st and 35th amendments of the House.

Which was concurred in.

By Mr. Milliken from a select committee:

MR. PRESIDENT:

The select committee to whom was referred bill of the Senate No. 167, on the subject of license to vend spirituous liquors, foreign merchandize, &c., have had the subject under consideration, and directed me to report the bill back to the Senate with sundry amendments, and when adopted recommend its passage.

*First.* Strike out all after the word "dollars" in the 4th line of section 1, to and including the word "tea" in the same section, and insert the following: "to traveling merchants and pedlers to vend foreign merchandise, five dollars, where the capital employed does not exceed one thousand dollars; seven dollars and fifty cents for any amount over one thousand and not exceeding two thousand dollars; ten dollars for any amount over two thousand dollars and not exceeding five thousand dollars; and twenty dollars for any amount exceeding five thousand dollars; to be paid in each county where they shall offer for sale any such merchandise, except tea and coffee.

*Second.* Also strike out all of said section after the word "year" in the 33d line.

*Third.* Strike out the 2nd section.

*Fourth.* Also strike out the 3d, 4th, 5th, 6th and 7th sections.

*Fifth.* Strike out of the 2nd and 3d lines of the 8th section the words "except to vend such liquors."

*Sixth.* Strike out in the 27th and 28th lines of said section the words "except to vend such liquors."

*Seventh.* Strike out of the 2nd and 3d lines of the 10th section the words "except the vending of such liquors."

*Eighth.* Strike out of section 11, all after the word "schools" in the last line.

The question being on the adoption of the amendments of the committee;

A division of the question was called for, and the president having decided the question divisible;

The 1st question was will the Senate concur in 1st amendment of the committee.

When,

Mr. Emerson moved to

Insert after the word "pedlers" in the 6th line of said amendment, the words "who are not residents of this State."

Which was decided in the affirmative.

The amendments of the committee were then concurred in.

When,

Mr. Hester moved to consider the amendments as engrossed, and that the bill be read a third time now.

Which was decided in the affirmative.

The bill was read a third time; and,

The question being, shall the bill pass?

It was decided in the affirmative—ayes 30, noes 11.

*Those who voted in the affirmative were,*

Senators Alexander, Berry, Brugh, Cravens, Dawson, Delevan, Eddy, Emerson, Henton, Hester, Holloway, Hunt, Kinnard, Knowlton, Longshore, Marshall, Mickle, Miller, Milliken, Newland, Odell, Saffer, Scobey, Secrest, Spann, Teegarden, Todd, Walker, Washburn, and Witherow.

*Those who voted in the negative were,*

Senators Athon, Dougherty, Hanna, Hickman, Hicks, Kendall, Niblack, Slack, Sleeth, Turman, and Winsteadley.

Mr. Emerson moved to amend the title as follows:

Strike out the words "and clocks," and the words "and to retail spirituous and intoxicating liquors."

Which was agreed to.

Mr. Niblack, from a committee on free conference, submitted the following report:

**MR. PRESIDENT:**

The committee on conference, to whom was referred the disagreement between the two Houses in regard to the amendments of the House to bill of the Senate No. 174, entitled "an act to revise, sim-

plify and abridge the rules, practice, pleadings and forms in criminal actions, in the courts of this State," have had the same under consideration, and recommend that the House recede from their second amendment, and that in lieu of the third amendment of the House, the following sections be adopted, to-wit :

SEC. —. When the affidavit is founded upon excitement or prejudice in the county against the defendant, the court may, in its discretion, grant a change of venue to the most convenient county. The clerk must thereupon make a transcript of the proceedings and order of court, and having sealed up the same with the original papers, deliver them to the sheriff, who must without delay deposit them in the clerk's office of the proper county, and make his return accordingly.

SEC. —. The jurisdiction of the latter court is complete, and the cause must be docketed and stand for trial at the first term.

And that the House recede from the 3d amendment.

And that the Senate concur in the 5th, 6th and 7th amendments of the House.

A division of the question was called for; and

The President having decided the question divisible,

The first question was, will the Senate concur in the report, excepting that part relating to the change of venue?

Which was decided in the affirmative.

The next question was, will the Senate concur in the amendment of the committee relating to the change of venue?

Which was decided in the affirmative—ayes 25, noes 19.

The ayes and noes were demanded by Senators Slack and Logan.

*Those who voted in the affirmative were,*

Senators Allen, Berry, Brugh, Cravens, Delevan, Dougherty, Eddy, Emerson, Hanna, Hicks, Kinnard, Knowlton, Longshore, Mickle, Miller, Milliken, Newland, Niblack, Odell, Scobey, Secrest, Sleeth, Turman, Walker, and Washburn.

*Those who voted in the negative were,*

Senators Alexander, Athlon, Dawson, Henton, Hester, Hickman, Holloway, Hunt, Kendall, Logan, Marshall, Reid, Saffer, Slack, Spann, Teegarden, Todd, Winstandley, and Witherow.

Mr. Berry, from a select committee, submitted the following report:

MR. PRESIDENT:

The select committee to whom was referred Senate bill No. 103, have had the subject under consideration, and recommend that it be stricken out from the word "that," in the third line of section one, and the following be inserted in lieu thereof:

SEC. 1. It shall be lawful to license the vending or retailing of spirituous liquors in any township of this State, until a majority of the qualified voters of any such township shall file with the clerk of the township trustees their remonstrance in writing, the genuineness of the signatures to which shall be proven by two qualified voters thereof.

SEC. 2. After a majority of the voters of any township shall have filed their remonstrance, as contemplated in the foregoing section, the clerk of the township shall put up written notices of such remonstrance in three of the most public places within said township, and when such notices shall have been posted up thirty days, it shall not be lawful any longer to retail spirituous liquors in said township, in less quantities than one quart, until thirty days after a majority of the qualified voters of such township shall have filed with the township clerk their permission so to do, in writing, the signatures to which shall be proven, as required in section one of this act, after which it shall be lawful to retail or vend spirituous liquors in less quantities than one quart.

SEC. 3. It shall be lawful for the qualified voters of the several townships to stop or authorize the retailing or vending of spirituous liquors, as provided in the foregoing sections, as often as they shall desire.

SEC. 4. It shall be the duty of the township clerk to file the remonstrance against, or permission for (as the case may be) the retailing or vending of spirituous liquors in quantities less than one quart. After notice of such remonstrance shall have been filed, the township trustees shall issue no license to retail or vend spirituous liquors in said township until permission as contemplated by this act shall have been certified to them by the township clerk. No license to vend spirituous liquors shall be granted for a longer term than one year, and shall cease at any time within thirty days after the majority of the voters of the township shall have filed the remonstrance required by section one of this act.

SEC. 5. Whenever three-fourths of the qualified voters of any township in this State shall file a remonstrance, as provided that a majority shall, to stop the retailing or vending of spirituous liquors in quantities less than one quart, their remonstrance against the vending of such liquors in less quantities than one gallon, it shall be unlawful to sell any such liquors in any quantities less than one gallon, within such township, until three-fourths of the voters of the township shall have filed their permission for such retailing in the manner

as provided in the second section of this act, to permit retailing and vending in quantities less than one quart.

SEC. 6. Persons selling or giving away spirituous liquors for medicinal or mechanical purposes, in any township within this State, where the majority of the qualified voters shall have filed their remonstrance against retailing in less quantities than a quart, as provided by this act, shall annually file with the township clerk a correct account of the time, to whom, and in what quantity such spirituous liquors were sold or given for such medicinal or mechanical purposes; and the failing to report such giving away or selling shall render the seller or giver of such liquors liable to prosecution for each such sale or gift unreported, and to the same fine as though it was an unlawful sale of such article or articles: *Provided, however,* The occasional gift of such liquors in cases of necessity for medical purposes, by those who do not keep them for sale, shall not render the giver liable to punishment for failing to report said gift.

SEC. 7. The township trustees shall issue license for the vending of spirituous liquors, when requested, within the respective townships, until the voters of their township shall have remonstrated against the vending of such liquors in less quantities than a quart, as is provided for by this act, and they shall be authorized to charge for such license any sum they shall deem just and reasonable, not less than five nor exceeding fifty dollars per annum, which shall constitute a part of the township fund, and be appropriated to the use of the township by the township trustees.

Mr. Scobey moved to amend the amendment as follows:

Amend section 6 by adding thereto the following: "and said report so filed as aforesaid shall be verified by the affidavit of the person making the same.

Which motion prevailed.

Mr. Scobey moved to amend the amendment by striking out "annually" in the 6th section and inserting "semi-annually."

Mr. Berry moved to lay the amendment to the amendment on the table;

Which was decided in the affirmative. Ayes 24; noes 16.

The ayes and noes were demanded by Senators Scobey and Holway.

*Those who voted in the affirmative were,*

Senators Allen, Berry, Brugh, Cravens, Dougherty, Eddy, Emerson, Hanna, Hester, Hickman, Hunt, Marshall, Mickle, Miller, Newland, Niblack, Reid, Slack, Sleeth, Spann, Todd, Walker, Washburn, and Winstandley.



*Those who voted in the negative were,*

Senators Athon, Dawson, Delevan, Henton, Hicks, Holloway, Kendall, Kinnard, Logan, Milliken, Odell, Saffer, Scobey, Secrest, Teegarden, and Witherow.

Mr. Scobey moved to add the following section:

SEC. — Any tenement in which spirituous or intoxicating liquors are sold contrary to this act, or any law of this State, and on account of which illegal sale any fine or forfeiture is incurred, shall, with the lot and appurtenances thereto belonging, be subject to execution and sold for the payment of any such fine or forfeiture, whether said lot and appurtenances belong to the seller of such liquor or not: *Provided*, That the owner of said lot and appurtenances may release said lot and appurtenances from said liability, on his showing that he had no notice or knowledge whatever, and in no wise permitted the same to be used for such purpose.

Mr. Berry moved to lay the amendment to the amendment on the table;

Which was decided in the affirmative. Ayes 32; noes 10.

The ayes and noes were demanded by Senators Scobey and Knowlton.

*Those who voted in the affirmative were,*

Senators Allen, Berry, Brugh, Cravens, Delevan, Dougherty, Eddy, Emerson, Hanna, Henton, Hester, Hickman, Hicks, Hunt, Kinnard, Logan, Marshall, Mickle, Miller, Newland, Niblack, Reid, Secrest, Slack, Sleeth, Spain, Todd, Turman, Walker, Washburn, Winstandley, and Witherow.

*Those who voted in the negative were,*

Senators Alexander, Dawson, Holloway, Kendail, Knowlton, Milliken, Odell, Saffer, Scobey, and Teegarden.

Mr. Alexander moved to reconsider the vote on the adoption of the amendment requiring druggists to make a statement under oath of the liquors sold by them;

Which was not agreed to.

Mr. Emerson moved to

Strike out "auditor," wherever it occurs, and insert "clerk of the board of township trustees."

Which was agreed to.

Mr. Holloway moved to add the following section:

SEC. —. That every person, the owner of real property, who shall suffer or permit his house, situated thereon, to be used as a place for illegal traffic in intoxicating liquors, after having had ten days' notice of his property having been so used, the said owner of property shall stand as security for all fines and costs that may be assessed for such illegal traffic after such notice shall have been given as aforesaid.

Which was decided in the negative. Ayes 14; noes 26.

The ayes and noes were demanded by Senators Holloway and Scobey.

*Those who voted in the affirmative were,*

Senators Dawson, Eddy, Henton, Holloway, Kinnard, Knowlton, Mickle, Milliken, Odell, Saffer, Scobey, Secrest, Teegarden, and Turman.

*Those who voted in the negative were,*

Senators Alexander, Allen, Athon, Berry, Brugh, Cravens, Delevan, Emerson, Hanna, Hester, Hickman, Hicks, Hunt, Logan, Longshore, Marshall, Newland, Niblack, Slack, Sleeth, Spann, Todd, Walker, Washburn, Winstandley, and Witherow.

Mr. Hester moved to amend the amendment by adding the following:

And in case any such license is revoked, the township trustees may order to be refunded so much of the license money as the circumstances of the case shall warrant as just and reasonable.

Which motion prevailed.

Mr. Dawson moved to recommit the bill, with instructions to strike out the words "not less than five," and insert the words "not less than ten," as the price of license.

Which motion did not prevail.

The amendments of the committee were concurred in.

Mr. Emerson moved that the bill be considered as engrossed, and read a third time now;

Which was agreed to.

The bill was read a third time; and

The question being, shall the bill pass?

It was decided in the affirmative. Ayes 31; noes 12.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Berry, Brugh, Cravens, Dawson, Delevan, Eddy, Emerson, Henton, Hester, Hickman, Hunt, Kendall, Kinnard, Knowlton, Longshore, Marshall, Mickle, Miller, Milliken, Newland, Niblack, Reid, Secrest, Sleeth, Spann, Todd, Walker, Washburn, and Witherow.

*Those who voted in the negative were,*

Senators Dougherty, Hanna, Hicks, Holloway, Logan, Odell, Saffer, Scobey, Slack, Teegarden, Turman, and Winsteadley.

Mr. Hester moved to strike out the title and insert the following:  
 "An act regulating the vending of spiritous liquors."  
 Which motion prevailed.

#### RESOLUTIONS.

Mr. Reid offered the following resolution:

*Resolved*, That the State printer report to the Senate, as early as possible, the length of time required by him, before he can print and have ready for distribution, the laws passed at the present session; also, to report whether the Secretary of State, or any other person, is by duty bound to make a synopsis of the provisions thereof, and index the same; and if not, to propose a plan by which these can be done to the best interest of the State.

Which was adopted.

Mr. Holloway introduced

No. 197. A bill relative to probate courts;

Which was read a first time; when,

Mr. Holloway moved to suspend the rules and read the bill a second time now;

Which was agreed to—ayes 36, noes 1.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Berry, Brugh, Cravens, Dawson, Del-  
 evan, Dougherty, Eddy, Emerson, Hanna, Hester, Hickman, Hicks,  
 Holloway, Hunt, Kinnard, Logan, Longshore, Marshall, Mick-  
 le, Milliken, Niblack, Odell, Reid, Saffer, Scobey, Secrest, Slack,  
 Sleeth, Todd, Turman, Walker, Washburn, and Winsteadley.

Senator Spann voted in the negative.

The bill was read a second time; when,

Mr. Holloway moved to further suspend the rules, and read the bill a third time now;

Which was agreed to—ayes 37, noes 0.

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*Those who voted in the affirmative were,*

Senators Alexander, Allen, Brugh, Cravens, Dawson, Delevan, Dougherty, Eddy, Emerson, Hanna, Hester, Hickman, Hicks, Holloway, Hunt, Kendall, Kinnard, Logan, Longshore, Marshall, Mickle, Miller, Milliken, Niblack, Odell, Reid, Saffer, Scobey, Secrest, Slack, Sleeth, Spann, Todd, Turman, Walker, Washburn, and Witherow.

The bill was read a third time; and,  
The question being, shall the bill pass?  
It was decided in the affirmative. Ayes 39; noes none.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Brugh, Cravens, Dawson, Delevan, Dougherty, Eddy, Emerson, Henton, Hester, Hickman, Hicks, Holloway, Hunt, Kendall, Kinnard, Knowlton, Logan, Longshore, Marshall, Mickle, Miller, Milliken, Niblack, Odell, Reid, Saffer, Scobey, Secrest, Slack, Sleeth, Spann, Teegarden, Todd, Turman, Walker, Washburn, and Witherow.

On motion by Mr. Eddy,  
The order of business was suspended.  
Mr. Eddy, from the committee on Revision, submitted the following report:

MR. PRESIDENT:

The joint committee on Revision, to whom was referred House bill No. 165, have had the same under consideration, and have directed me to report it back with amendments, and upon their adoption, recommend its passage.

Amend by striking out after the enacting clause, and inserting the following:

SEC. 1. That all special laws in relation to the fees of county auditors be, and the same is hereby repealed, and all county auditors shall, from the taking effect of this act, be entitled to the fees allowed by the general law upon that subject.

SEC. 2. Whereas, an emergency exists for the passage of this act, the same shall take effect from and after its passage.

The amendments of the committee were concurred in; and,  
The bill having been read three times,  
The question was, shall the bill pass?  
Which was decided in the affirmative. Ayes 37; noes 3.

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*Those who voted in the affirmative were,*

Senators Alexander, Allen, Brugh, Cravens, Delevan, Dougherty, Eddy, Emerson, Hester, Hickman, Hicks, Holloway, Hunt, Kinnard, Knowlton, Logan, Longshore, Marshall, Mickle, Miller, Milliken, Newland, Niblack, Odell, Reid, Scobey, Secrest, Sleeth, Spann, Teegarden, Todd, Turman, Walker, Washburn, Winstandley, and Witherow.

Senators Dawson, Hanna and Henton voted in the negative.

On motion by Mr. Eddy,

The title was amended so as to read as follows :

“An act to repeal special laws in relation to the fees of county Auditor.”

Mr. Hester, from the select joint committee on Revision, submitted the following report :

MR. PRESIDENT :

The committee on Revision, to whom was referred House bill No. 243, have had the same under consideration, and have directed me to report it back and recommend that it be laid on the table; and they ask to be discharged from the further consideration thereof.

Which was concurred in.

#### ORDERS OF THE DAY.

#### *Bills on their Third Reading.*

House bill No. 273. A bill to authorize railroad companies to increase the amount of their capital stock, to increase the number of their directors, and to take stock in branch roads;

Was read a third time; and,

The question being, shall the bill pass?

It was decided in the negative. Ayes 17; noes 24.

*Those who voted in the affirmative were,*

Senators Dougherty, Eddy, Hicks, Holloway, Kendall, Knowlton, Marshall, Niblack, Odell, Scobey, Secrest, Sleeth, Spann, Teegarden, Todd, Washburn, and Winstandley.

*Those who voted in the negative were,*

Senators Alexander, Allen, Berry, Brugh, Cravens, Dawson, Delevan, Emerson, Hanna, Henton, Hickman, Hunt, Kinnard, Logan, Longshore, Mickle, Miller, Milliken, Newland, Reid, Slack, Turman, Walker, and Witherow.

Senate bill No. 193. A bill providing for a register of the negroes and mulattoes in this State, describing some of the duties of township assessors, and clerks of the circuit court,

Was read a third time; and

The question being, shall the bill pass?

It was decided in the negative. Ayes 10, noes 31.

*Those who voted in the affirmative were,*

Senators Dougherty, Hanna, Hester, Kinnard, Longshore, Marshall, Mickle, Miller, Sleeth, and Washburn.

*Those who voted in the negative were,*

Senators Alexander, Allen, Berry, Brugh, Cravens, Delevan, Eddy, Emerson, Henton, Hickman, Hicks, Holloway, Hunt, Kendall, Knowlton, Logan, Milliken, Newland, Niblack, Odell, Reid, Scobey, Secrest, Slack, Sleeth, Teegarden, Todd, Turman, Walker, Winstandley, and Witherow.

Senate joint resolution No. 194. A joint resolution in relation to the public lands granted by the United States to the State of Indiana, for the use of common schools;

Was read a third time,

And the question being, shall the joint resolution pass?

It was decided in the affirmative. Ayes 34, noes 2.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Cravens, Delevan, Eddy, Hanna, Henton, Hester, Hickman, Hicks, Holloway, Hunt, Kendall, Kinnard, Knowlton, Logan, Longshore, Marshall, Mickle, Miller, Milliken, Newland, Niblack, Odell, Reid, Saffer, Scobey, Slack, Sleeth, Todd, Turman, Walker, Washburn, and Witherow.

*Those who voted in the negative were,*

Senators Dougherty and Emerson.

House bill No. 176. A bill to provide for the organization of canal and water-works companies, and for the completion of the unfinished canals in the State of Indiana;

Was on its third reading; when,

Mr. Hicks moved to refer it to the committee on the Judiciary;

Which motion did not prevail.

The bill was then read a third time, when

Mr. Berry moved that it be referred to the committee on the Judiciary with the following instructions:

Strike out all that authorizes the taking of timber, stone and other material for construction, against the consent of the owner.

A division of the question was called for, and

The President having decided the question divisible,

The first question was, will the Senate recommit the bill?

Which was decided in the affirmative.

The next question was, will the Senate adopt the instructions?

It was decided in the affirmative.

#### BILLS ON THEIR SECOND READING.

House bill No. 302. A bill in relation to the assessment of the stock of canal companies;

Was read a second time, when

Mr. Hester moved to

Strike out the word "including," before the words "Wabash and Erie canal," and insert "excepting."

Mr. Emerson moved a call of the Senate.

Which was ordered.

Senators Athon, Brugh, Defrees and Hanna were absent.

On motion by Mr. Scobey,

The further call was dispensed with.

The question then recurred on the adoption of the amendment;

Pending the discussion of which,

On motion by Mr. Reid,

The Senate adjourned.

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2 o'clock, P. M.

The Senate met.

On motion,

A call of the Senate was ordered.

Senators Alexander, Athon, Berry, Brugh, Davis, Hunt, Marshall, Odell and Turman were absent.

On motion by Mr. Sleeth,

The further call was dispensed with.

The consideration of the question pending at adjournment, being, will the Senate adopt the amendment exempting the Wabash and Erie canal from taxation?

Was resumed, when

Mr. Reid moved to amend the amendment as follows:

Insert after the words "Wabash and Erie canal," the words "and White Water Valley canal;"

Which was not agreed to.

The question recurring on the adoption of the amendment,

It was decided in the affirmative. Ayes 28; noes 13.

The ayes and noes were demanded by Senators Slack and Eddy.

*Those who voted in the affirmative were,*

Senators Alexander, Dawson, Delevan, Dougherty, Eddy, Henton, Hester, Hicks, Holloway, Kendall, Kinnard, Knowlton, Logan, Marshall, Miller, Milliken, Niblack, Odell, Saffer, Scobey, Secrest, Teegarden, Todd, Turman, Walker, Washburn, Winstandley and Witherow.

*Those who voted in the negative were,*

Senators Allen, Brugh, Cravens, Emerson, Hanna, Hickman, Hunt, Mickle, Newland, Reid, Slack, Sleeth and Spann.

Mr. Reid moved to

Insert in the proper place the following:

*Provided*, That the State of Indiana hereby relinquishes all right of redemption to each and every canal taxed by the provisions of this act.

Which was not agreed to.

The amendments were ordered to be engrossed, and the bill ordered to a third reading.

House joint resolution No. 32. A joint resolution in relation to the extension of the time for the payment of claims due from certain citizens of the State to the bond holders;

Was read a second time and ordered to a third reading.

On motion by Mr. Berry,

The order of business was suspended.

Mr. Berry, from a committee of Free Conference, submitted the following report:



MR. PRESIDENT:

The committee of Free Conference, to whom was referred the disagreement of the two Houses to the House amendments to Senate bill No. 153, have had the same under consideration, and have directed me to report that they have agreed to recommend that the Senate concur in the 1st, 2d, 3d, 4th, 8th, 9th, 11th, 12th, 15th, 17th, 19th, 21st, 22d, 23d, 25th, 26th, 27th, 28th and 29th amendments of the House, and that the Senate also concur in the 10th, 13th, 14th, 16th and 24th amendments, with the accompanying amendments thereto. They also recommend that the House recede from the 5th, 6th, 7th, 18th and 20th amendments thereof; and they ask to be discharged from the further consideration thereof.

Strike out the 10th amendment of the House, and add to the end of section 76, in the original bill, the following:

"Notice of the filing of such petition being given to the executor or administrator ten days before the time at which said petition stands for hearing."

In the 13th amendment, strike out all after the word "notice," and insert the words "terms thereof."

Modify the 14th amendment by adding at the end thereof the following:

"And whenever the amount of money so reported exceeds fifty dollars, the court shall order it to be paid into court, unless the executor or administrator shall show by proper vouchers that he has paid it out upon valid claims against the estate, allowed by the court, or upon such preferenced claims as he is permitted by law to pay off, without the same being allowed by the court."

Modify the 16th amendment by striking out all after the 6th to the 19th line of section 106, and inserting in lieu thereof the following:

"The court, in its discretion, may order the administrator or executor to pay the money in his hands into court, and the same to be paid out on such claims by the clerk, or it may direct such administrator or executor to pay out directly."

Concur in the 24th amendment, with this amendment:

Strike out of the third line of the original section the words "an affidavit," and insert the words "a petition."

The amendments of the committee were concurred in; when,  
The order of business was resumed.

House bill No. 285. A bill providing for the election or appointment of supervisors of highways, and certain of their duties and those of county and township officers in relation thereto;

Was read a second time; when,

Mr. Milliken offered the following additional section:

SEC. —. The township trustees may designate one or more roads of the township in which the tax hereinafter designated may be specially applied to the grading, McAdamizing, or otherwise improving such road or roads, and for that purpose may assess a tax not exceeding one half of one per cent. on the assessment of the real and personal property of such township, which tax shall be certified to the auditor of the county and collected as other taxes are collected in money, and shall be specially applied to the purposes aforesaid.

When,

On motion by Mr. Hester,

The bill and pending amendments were referred to the committee on Revision.

House bill No. 9. A bill to authorize county auditors and recorders to re-copy maps and plats where the original copies shall have become worn or defaced,

Was read a second time and ordered to a third reading.

Senate bill No. 196. A bill providing for the recording of marks and brands, and prescribing the duties of township clerks in relation thereto,

Was read a second time, when,

On motion by Mr. Hester,

The bill was referred to the committee on Revision.

House bill No. 291. A bill supplemental to an act entitled "an act to regulate the sale of swamp lands donated by the United States to the State of Indiana, and to provide for draining and reclaiming thereof in accordance with condition of said grant,

Was read a second time, when

Mr. Eddy moved to add the following section :

SEC. —. That to insure uniformity, the Auditor of State shall furnish to the several county auditors and treasurers within which are swamp lands, the necessary forms, blank books and instructions required by this act, and the act to which this is supplemental.

Which was adopted, and the amendment was ordered to be engrossed, and the bill ordered to a third reading.

Mr. Emerson moved to reconsider the vote ordering the bill to a 3d reading;

Which motion prevailed; when

Mr. Eddy moved to amend section 5 by inserting after the words "paid them," in the 7th line, the following: "out of such money thus deposited."

Which was agreed to.

The amendments were ordered to be engrossed, and the bill ordered to a third reading.

On motion by Mr. Hester,  
The vote referring Senate bill No. 196, and pending amendment,  
to the committee on Revision,  
Was reconsidered.

On motion by Mr. Hester,  
The bill was laid on the table.

House bill No. 225. A bill concerning trusts and powers;  
Was read a second time, and ordered to a third reading.

House bill No. 300. A bill relative to the salaries of public officers, and providing the manner of paying the same;  
Was read a second time; when,

Mr. Hester moved to

Strike out at the end of sec. 7, the words "in the circuit court."

Which motion prevailed.

Mr. Hester moved to amend the bill so as to fix the salaries of the superintendents of the Insane and Deaf and Dumb Asylums at twelve hundred dollars each.

On motion by Mr. Hester,

A call of the Senate was ordered.

Senators Athon, Davis, Kinnard, Longshore, and Scobey were absent.

On motion by Mr. Holloway,

The further call of the Senate was dispensed with.

The question recurring on the adoption of the amendment,

It was decided in the negative. Ayes 19; noes 23.

The ayes and noes were demanded by Senators Scobey and Dawson.

*Those who voted in the affirmative were,*

Senators Eddy, Emerson, Henton, Hester, Hicks, Holloway, Kendall, Longshore, Marshall, Niblack, Saffer, Secrest, Slack, Sleeth, Teegarden, Todd, Turman, Winstandley, and Witherow.

*Those who voted in the negative were,*

Senators Alexander, Allen, Berry, Brugh, Cravens, Dawson, Delevan, Dougherty, Hanna, Hickman, Hunt, Kinnard, Knowlton, Mickle, Miller, Milliken, Newland, Odell, Reid, Scobey, Spann, Walker, and Washburn.

Mr. Emerson moved first to strike out of the 9th specification the words "of the Insane and," and the word "each."

Insert the following specification:

"To the superintendent of the Hospital for the Insane, twelve hundred dollars."

Which was decided in the negative. Ayes 21; noes 22.

The ayes and noes were demanded by Senators Slack and Scobey.

*Those who voted in the affirmative were,*

Senators Berry, Dougherty, Eddy, Emerson, Henton, Hester, Hicks, Holloway, Kendall, Logan, Marshall, Niblack, Secrest, Slack, Sleeth, Teegarden, Todd, Turman, Walker, Winstandley, and Witherow.

*Those who voted in the negative were,*

Senator Alexander, Allen, Brugh, Cravens, Dawson, Delevan, Hanna, Hickman, Hunt, Kinnard, Knowlton, Longshore, Mickle, Miller, Milliken, Newland, Odell, Reid, Saffer, Scobey, Spann, and Washburn.

Mr. Emerson moved to add to the end of the 11th specification the words "to be paid by the lessee of said prison."

Which was agreed to.

Mr. Reid moved to add the following:

"That the sum of \$150 be stricken out, and that of \$250 inserted to be paid by the lessee of the prison."

On motion by Mr. Winstandley,

The amendment was laid on the table.

Mr. Secrest moved to strike out "one thousand dollars," as the salary of the superintendent of common schools, and insert in lieu thereof "fifteen hundred."

Which was decided in the negative. Ayes 16; noes 23.

The ayes and noes were demanded by Senators Scobey and Secrest.

*Those who voted in the affirmative were,*

Senators Alexander, Cravens, Dougherty, Eddy, Emerson, Hanna, Henton, Hester, Milliken, Niblack, Secrest, Slack, Todd, Turman, Walker and Winstandley.

*Those who voted in the negative were,*

Senators Allen, Brugh, Dawson, Delevan, Hickman, Hicks, Holloway, Hunt, Kinnard, Knowlton, Logan, Marshall, Mickle, Newland, Odell, Reid, Saffer, Scobey, Sleeth, Spann, Teegarden, Washburn and Witherow.

Mr. Emerson moved to add after the words "section 1," in the

1st line of the 2d section, the words "except the physician to the State prison."

Which motion prevailed.

Mr. Emerson moved to strike out of each specification the figures, wherever they apply to the salaries of officers;

Which was agreed to.

Mr. Emerson moved to strike out of the 5th specification the words "three hundred and fifty," and insert the words "five hundred."

Which was decided in the negative. Ayes 15; noes 22.

The ayes and noes were demanded by Senators Scobey and Holloway.

*Those who voted in the affirmative were,*

Senators Berry, Brugh, Cravens, Delevan, Eddy, Emerson, Hester, Hicks, Kinnard, Milliken, Niblack, Saffer, Todd, Turman, and Walker.

*Those who voted in the negative were,*

Senators Dawson, Hanna, Henton, Hickman, Holloway, Knowlton, Logan, Marshall, Mickle, Miller, Newland, Odell, Reid, Scobey, Secrest, Slack, Sleeth, Spann, Teegarden, Washburn, Winstandley, and Witherow.

Mr. Milliken moved to strike out "one thousand," and insert "twelve hundred" as the salary of the superintendent of public instruction.

Mr. Cravens moved to amend the amendment by striking out the words "one thousand" out of the 6th specification, and insert "thirteen hundred."

Which was decided in the affirmative. Ayes 22; noes 21.

The ayes and noes were demanded by Senators Scobey and Holloway.

*Those who voted in the affirmative were,*

Senators Alexander, Cravens, Dougherty, Eddy, Emerson, Hanna, Henton, Hester, Hunt, Kendall, Logan, Longshore, Miller, Milliken, Newland, Niblack, Secrest, Slack, Todd, Turman, Walker, and Winstandley.

*Those who voted in the negative were,*

Senators Allen, Berry, Brugh, Dawson, Delevan, Hickman, Hicks, Holloway, Kinnard, Knowlton, Marshall, Mickle, Odell, Reid, Saffer, Scobey, Sleeth, Spann, Teegarden, Washburn, and Winstandley.

The amendment as amended was then adopted.

Mr. Emerson moved to strike out of the — specification the word "twelve," and insert "thirteen."

Which was decided in the negative. Ayes 15; noes 27.

The ayes and noes were demanded by Senators Scobey and Emerson.

*Those who voted in the affirmative were,*

Senators Berry, Eddy, Emerson, Henton, Logan, Longshore, Niblack, Secrest, Slack, Sleeth, Todd, Turman, Walker, Winstandley, and Witherow.

*Those who voted in the negative were,*

Senators Alexander, Allen, Brugh, Cravens, Dawson, Delevan, Dougherty, Hanna, Hickman, Hicks, Holloway, Hunt, Kendall, Kinnard, Knowlton, Marshall, Mickle, Miller, Milliken, Newland, Odell, Reid, Saffer, Scobey, Spann, Teegarden, and Washburn.

Mr. Eddy moved to strike out "one thousand," and insert "eleven hundred," for circuit judges;

Which was decided in the negative. Ayes 12; noes 31.

The ayes and noes were demanded by Senators Eddy and Dawson.

*Those who voted in the affirmative were,*

Senators Dougherty, Eddy, Henton, Hester, Marshall, Niblack, Slack, Secrest, Sleeth, Todd, Turman, and Witherow.

*Those who voted in the negative were,*

Senators Alexander, Allen, Berry, Brugh, Cravens, Dawson, Delevan, Emerson, Hanna, Hickman, Hicks, Holloway, Hunt, Kendall, Kinnard, Knowlton, Logan, Longshore, Mickle, Miller, Milliken, Newland, Odell, Reid, Saffer, Scobey, Spann, Teegarden, Walker, Washburn, and Winstandley.

Mr. Niblack moved to strike out "three hundred and fifty dollars," as the salary of the private secretary of the Governor, and insert in lieu thereof "four hundred dollars."

Which was decided in the negative. Ayes 18; noes 25.

The ayes and noes were demanded by Senators Scobey and Dawson.

*Those who voted in the affirmative were,*

Senators Allen, Cravens, Delevan, Eddy, Emerson, Hanna, Henton, Hester, Logan, Milliken, Newland, Niblack, Saffer, Secrest, Todd, Turman, Walker, and Winsteadley.

*Those who voted in the negative were,*

Senators Alexander, Berry, Brugh, Dawson, Dougherty, Hickman, Hicks, Holloway, Hunt, Kendall, Kinnard, Knowlton, Longshore, Marshall, Mickle, Miller, Odell, Reid, Scobey, Slack, Sleeth, Spann, Teegarden, Washburn, and Witherow.

Mr. Dawson moved to strike out \$1000 as salary of circuit judges and insert \$900.

Strike out \$1500 as salary of Governor and insert \$2000.

Mr. Miller moved the previous question :

Which was seconded.

The question was, shall the main question be now put?

It was decided in the affirmative.

The question then was, will the Senate adopt the amendment?

A division was called for ;

The President having decided the question divisible,

The first question was, will the Senate adopt the first amendment?

A division of the question was called for.

The President having decided the question still divisible

The first question was, will the Senate strike out one thousand dollars as the pay of circuit judges?

Which was decided in the negative. Ayes 4; noes 39.

The ayes and noes were demanded by Senators Dawson and Eddy.

*Those who voted in the affirmative were,*

Senators Dawson, Eddy, Hickman, and Turman.

*Those who voted in the negative were,*

Senators Alexander, Allen, Berry, Brugh, Cravens, Delevan, Dougherty, Emerson, Hanna, Henton, Hester, Hicks, Holloway, Hunt, Kendall, Kinnard, Knowlton, Logan, Longshore, Marshall, Mickle, Miller, Milliken, Newland, Niblack, Odell, Reid, Saffer, Scobey, Secrest, Slack, Sleeth, Spann, Teegarden, Todd, Walker, Washburn, Winsteadley, and Witherow.

The question then was, will the Senate strike out fifteen hundred dollars as the pay of the Governor?

It was decided in the negative.

The question being, shall the amendments be engrossed and the bill ordered to a third reading?

It was decided in the affirmative; ayes 27, noes 16.

The ayes and noes were demanded by Senators Kendall and Eddy.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Brugh, Cravens, Henton, Hester, Hickman, Hicks, Hunt, Kendall, Kinnard, Knowlton, Longshore, Marshall, Mickle, Miller, Milliken, Newland, Odell, Secrest, Slack, Sleeth, Spann, Todd, Walker, Washburn, and Winsteadley.

*Those who voted in the negative were,*

Senators Berry, Dawson, Delevan, Dougherty, Eddy, Emerson, Hanna, Holloway, Logan, Niblack, Reid, Saffer, Scobey, Teegarden, Turman, and Witherow.

House bill No. 283. A bill regulating the fees of officers;

Was read a second time; when

Mr. Logan moved to adjourn.

Which motion did not prevail.

Mr. Longshore moved to adjourn.

Which was decided in the negative. Ayes 9; noes 27.

The ayes and noes were demanded by Senators Hester, Dawson, Winsteadley, Saffer, and Allen.

*Those who voted in the affirmative were,*

Senators Delevan, Henton, Logan, Longshore, Odell, Slack, Spann, Todd, and Turman.

*Those who voted in the negative were,*

Senators Allen, Berry, Dawson, Dougherty, Emerson, Hester, Hicks, Holloway, Hunt, Kendall, Kinnard, Knowlton, Mickle, Miller, Milliken, Newland, Niblack, Reid, Saffer, Scobey, Secrest, Sleeth, Teegarden, Walker, Washburn, Winsteadley, and Witherow.

Mr. Slack moved to adjourn.

Which was decided in the negative. Ayes 9; noes 25.

The ayes and noes were demanded by Senators Hester, Milliken, Winsteadley, Allen, and Teegarden.



*Those who voted in the affirmative were,*

Senators Delevan, Henton, Holloway, Longshore, Newland, Slack, Spann, Todd, and Turman.

*Those who voted in the negative were,*

Senators Allen, Dawson, Dougherty, Emerson, Hester, Hicks, Hunt, Kendall, Knowlton, Marshall, Mickle, Miller, Milliken, Niblack, Odell, Reid, Saffer, Scobey, Secrest, Sleeth, Teegarden, Walker, Washburn, Winstandley, and Witherow.

On motion by Mr. Dawson,

House bill No. 283 was referred to a select committee.

Senators Dawson, Emerson, and Witherow were appointed said committee.

Mr. Hunt moved to instruct the committee as follows:

Amend so that the clerk shall be entitled to only one-half of the fee for marriage license issued by him, and the other half shall go to the common school fund.

Mr. Dougherty moved to lay the instructions on the table.

Which was agreed to.

Mr. Hickman, from the committee on Enrolled Bills, submitted the following report:

**MR. PRESIDENT:**

The joint committee on Enrolled Bills, to whom were referred bills Nos. 119, 182 and 163, and joint resolution No. 102, have compared the same, and find them correctly enrolled.

The following message was received from the House of Representatives by Mr. Sites, their clerk:

**MR. PRESIDENT:**

I am directed by the House to inform the Senate that the Speaker has signed the following enrolled bill thereof: No. 290; which I am directed to bring to the Senate for the signature of the President thereof.

Whereupon, the President signed the same.

Also, the following message from the House of Representatives:

MR. PRESIDENT:

I am directed by the House to inform the Senate that the House has concurred in the report of the committee of Free Conference to whom was referred the disagreement of the two Houses to Senate bill No. 174, "an act to revise, simplify and abridge the rules, practice, pleading and forms in criminal actions in the courts of this State."

Also the following message:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has concurred in the report of the committee of Free Conference to bill of the Senate No. 153, "a bill providing for the settlement of decedents' estates, &c."

Also, the following message:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House concurs in the engrossed amendments of the Senate to engrossed bill of the House No. 290, "an act concerning officers of municipal incorporations."

Also, the following message:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill of the Senate: No. 180. General provisions in relation to railroad companies. Without amendment.

Also, the following message:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the Speaker has signed the following enrolled bills of the Senate: Nos. 163, 119, 102, and 182 and directed me to bring the same to the Senate for the signature of the President thereof.

Whereupon the President signed the same.

The following message was received from the Governor, by Mr. King, his private secretary:

MR. PRESIDENT:

I am directed by the Governor to inform the Senate that he has approved and signed the following bills, to-wit:

No. 102. A joint resolution memorializing Congress to pass an act placing certain surgeons on the same footing as surgeons regularly commissioned;

No. 119. An act defining felonies, and prescribing punishment therefor;

No. 163. An act authorizing proceedings to try the right of property seized by virtue of any writ of execution or attachment, and claimed by any person other than the execution or attachment defendant;

No. 182. An act supplemental to an act entitled "an act to create a special term of the Tippecanoe circuit court;"

Which bills originated in the Senate.

On motion by Mr. Slack,  
The Senate adjourned.

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FRIDAY MORNING, }  
June 11, 1852. }

The Senate met.

On motion by Mr. Milliken,  
The reading of the journal was dispensed with.

#### ORDERS OF THE DAY.

#### *Bills on their Third reading.*

House bill No. 223. A bill concerning trusts and powers;  
Was read a third time; when,

On motion by Mr. Emerson,  
It was laid on the table.

House bill No. 301. A bill regulating appeals from the award of arbitrations in certain cases;

Was read a third time and passed. Ayes 27; noes 7.

*Those who voted in the affirmative were,*

Senators Allen, Berry, Brugh, Cravens, Delevan, Dougherty, Eddy, Emerson, Hanna, Henton, Hester, Hicks, Hunt, Kinnard, Knowlton, Longshore, Mickle, Miller, Milliken, Niblack, Saffer, Slack, Sleeth, Todd, Walker, Washburn, and Winstandley.

*Those who voted in the negative were,*

Senators Holloway, Logan, Marshall, Reid, Sleeth, Teegarden, and Witherow.

On motion,

House bill No. 223 was taken up.

The question being, shall the bill pass?

It was decided in the affirmative. Ayes 32; noes 4.

*Those who voted in the affirmative were,*

Senators Allen, Berry, Brugh, Cravens, Dawson, Delevan, Dougherty, Eddy, Emerson, Hanna, Hester, Hickman, Hicks, Hunt, Kinnard, Knowlton, Logan, Longshore, Mickle, Miller, Niblack, Reid, Saffer, Secrest, Slack, Sleeth, Spann, Todd, Walker, Washburn, Winstandley, and Witherow.

*Those who voted in the negative were,*

Senators Holloway, Marshall, Milliken, and Teegarden.

House joint resolution No. 32. A joint resolution in relation to the extension of time for the payment of claims due from certain citizens of this State to the bondholders;

Was read a third time;

And the question being shall the bill pass?

It was decided in the affirmative—ayes 37, noes 4.

*Those who voted in the affirmative were,*

Senators Allen, Berry, Brugh, Cravens, Dawson, Delevan, Eddy, Emerson, Hanna, Henton, Hester, Hickman, Hicks, Hunt, Kinnard, Knowlton, Logan, Longshore, Mickle, Miller, Milliken, Newland, Niblack, Odell, Reid, Saffer, Slack, Sleeth, Spann, Teegarden, Todd, Walker, Washburn, Winstandley, and Witherow.

*Those who voted in the negative were,*

Senators Dougherty, Holloway, Marshall, and Secrest.

House bill No. 9. A bill to authorize county auditors and recorders to re-copy maps and plats where the original copies shall have become worn or defaced;

Was read a third time, and,

The question being, shall the bill pass?

It was decided in the affirmative. Ayes 40; noes 0.

*Those who voted in the affirmative were,*

Senators Allen, Berry, Brugh, Cravens, Dawson, Delevan, Dougherty, Eddy, Emerson, Hanna, Henton, Hester, Hickman, Hicks, Holloway, Hunt, Kinnard, Knowlton, Logan, Longshore, Marshall, Mickle, Miller, Milliken, Newland, Niblack, Odell, Reid, Saffer, Scobey, Secrest, Slack, Sleeth, Spann, Teegarden, Todd, Walker, Washburn, Winstandley and Witherow.

House bill No. 302. A bill in relation to the assessment and taxation of the stock of canal companies;

Was read a third time, and,

The question being, shall the bill pass?

It was decided in the affirmative. Ayes 29; noes 10.

*Those who voted in the affirmative were,*

Senators Alexander, Berry, Brugh, Cravens, Delevan, Dougherty, Eddy, Emerson, Hanna, Henton, Hester, Hickman, Hicks, Hunt, Knowlton, Logan, Longshore, Miller, Niblack, Saffer, Scobey, Secrest, Slack, Teegarden, Todd, Walker, Washburn, Winstandley and Witherow.

*Those who voted in the negative were,*

Senators Holloway, Kinnard, Marshall, Mickle, Milliken, Newland, Odell, Reid, Sleeth, and Spann.

House bill No. 291. A bill supplemental to an act entitled "an act to regulate the sale of the swamp lands donated by the United States to the State of Indiana, and to provide for the draining and reclaiming thereof in accordance with the condition of said grant;

Was read a third time.

The question being, shall the bill pass?

It was decided in the affirmative—ayes 30, noes 10.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Athon, Brugh, Delevan, Dougherty, Eddy, Emerson, Henton, Hester, Hicks, Hunt, Kendall, Kinnard, Longshore, Marshall, Miller, Newland, Niblack, Odell, Reid, Saffer, Slack, Spann, Teegarden, Todd, Walker, Washburn, Winstandley and Witherow.

*Those who voted in the negative were,*

Senators Berry, Cravens, Hanna, Hickman, Holloway, Knowlton, Logan, Mickle, Scobey and Secrest.

House bill No. 300. A bill to regulate the salaries of public officers, and to prescribe the manner in which such salaries shall be paid;

Was read a third time, when

Mr. Athon moved to recommit the bill to the committee on the Benevolent Institutions of the State, with instruction to strike out one thousand dollars as the salary of the superintendent of the Insane Asylum, and insert twelve hundred in lieu thereof.

A division of the question was called for,

And the President having decided the question divisible,

The first question was, will the Senate recommit the bill?

Which was decided in the affirmative. Ayes 27; noes 14.

The ayes and noes were demanded by Senators Sleeth and Athon.

*Those who voted in the affirmative were,*

Senators Athon, Berry, Dougherty, Eddy, Emerson, Henton, Hester, Hicks, Holloway, Kendall, Knowlton, Logan, Longshore, Marshall, Miller, Niblack, Reid, Saffer, Secrest, Slack, Spann, Teegarden, Todd, Turman, Walker, Winstandley and Witherow.

*Those who voted in the negative were,*

Senators Alexander, Allen, Brugh, Cravens, Delevan, Hanna, Hickman, Mickle, Milliken, Newland, Odell, Scobey, Sleeth, and Washburn.

Mr. Sleeth moved to amend the instructions so as to include the superintendent of the institution for the education of the Deaf and Dumb.

A division of the question was called for;

The President having decided the question divisible,

The first question was, will the Senate adopt the instructions in-

creasing the salary of the superintendent of the Insane Asylum to twelve hundred dollars?

Which was decided in the affirmative. Ayes 27; noes 14.

The ayes and noes were demanded by Senators Scobey and Kendall.

*Those who voted in the affirmative were,*

Senators Allen, Athon, Berry, Dougherty, Eddy, Emerson, Henton, Hester, Hicks, Kendall, Knowlton, Logan, Longshore, Marshall, Miller, Niblack, Reid, Saffer, Secrest, Slack, Spann, Teegarden, Todd, Turman, Walker, Winsteadley, and Witherow.

*Those who voted in the negative were,*

Senators Alexander, Brugh, Cravens, Delevan, Hanna, Hickman, Holloway, Mickle, Milliken, Newland, Odell, Scobey, Sleeth, and Washburn.

The question then was, will the Senate adopt the amendment increasing the salary of the superintendent of the institution for the education of the deaf and dumb to twelve hundred dollars?

Which was decided in the negative. Ayes 20; noes 22.

The ayes and noes were demanded by Senators Scobey and Sleeth.

*Those who voted in the affirmative were,*

Senators Alexander, Cravens, Eddy, Hester, Hickman, Hicks, Holloway, Kendall, Marshall, Milliken, Niblack, Reid, Saffer, Secrest, Slack, Sleeth, Teegarden, Todd, Turman, and Witherow.

*Those who voted in the negative were,*

Senators Allen, Athon, Berry, Brugh, Dawson, Delevan, Dougherty, Emerson, Hanna, Henton, Knowlton, Logan, Longshore, Mickle, Miller, Newland, Odell, Scobey, Spann, Walker, Washburn, and Winsteadley.

Mr. Hanna moved to instruct the committee as follows:

So amend as to provide for the payment of the chaplain of the penitentiary by the lessee thereof.

Which was agreed to.

Mr. Alexander moved further to instruct the committee as follows:

Strike out "eight hundred" as the salary of the superintendent of the blind asylum, and insert "one thousand."

Which was not agreed to.

Mr. Hanna moved to instruct the committee as follows:

That the salary of the circuit judges be fixed at "twelve hundred dollars."

Which was not agreed to.

Mr. Holloway moved to further instruct as follows:

Amend by inserting the following: "The agent of State six hundred dollars."

Which was not agreed to.

The President laid before the Senate the following communication :

INDIANAPOLIS, June 10, 1852.

THE STATE OF INDIANA,

*To the Indianapolis Gas Light & Coke Company, Dr.*

To amount of gas consumed at State House from January 5th, to April 13th, as per metre at that date,.....	\$48 00
To further amount consumed to June 5, 1852,.....	11 50
	<hr/>
	\$59 50

*President of the Senate :*

Please lay the above bill before the Senate for an appropriation. The bills showing the amount used of gas per meter, are herewith enclosed.

For the Gas Company:

R. MAYHEW, *Treasurer.*

ORIGINAL.

No. 25. *Bill presented April 13th, 1852.*

PREMISES, STATE HOUSE,

*To the Indianapolis Gas Light & Coke Company, Dr.*

For gas consumed in month ending April 13, 1852:

State of meter at this date,.....	3,500	} Folio 5.
Less do at last settlement		
Consumption at \$3 75 per 1000 feet, 13,500,..		\$47 25
Rent of meter, .....		75
		<hr/>
		\$48 00

Less discount for prompt payment, .....

Received payment, \_\_\_\_\_, 185—.



## ORIGINAL.

No. 174. *Bill presented June 7th, 1852.*

STATE HOUSE PREMISES,

*To the Indianapolis Gas Light & Coke Company, Dr.*

For gas consumed month ending June 5th, 1852:

State of meter at this date,.....	6,300	} Folio 5.
Less do at last settlement,.....	3,500	
Consumption at \$3 75 per 1000 feet, 2,800,.....		\$10 00
Rent of meter for two months,.....		1 50
		<hr/>
		\$11 50

Less discount for prompt payment,.....

Received payment, ————, 185—.

Which was,

On his motion,

Was referred to the committee on Finance.

Mr. Hester moved to suspend the order of business;

Which was agreed to.

Mr. Hester, from the select committee on Revision, submitted the following report:

MR. PRESIDENT:

The select committee on Revision to whom was referred House bill No. 285, have had the same under consideration and have directed me to report it back with the accompanying amendments, and when so amended, they recommend its passage; and they ask to be discharged from the further consideration thereof

*First.* Add after the word "blind" in the 1st line in section 6, the word "persons."

*Second.* In the same section 3d line, after the word "each" insert the word "of."

*Third.* In the 5th line of the same section, after to word demand" insert the word "therefor."

*Fourth.* In section 9, 4th line, strike out the words "for personal privileges."

*Fifth.* In section 10, 1st line strike out the words "supervisor of the road district," and insert "township treasurer."

*Sixth.* In section 10, 8th line strike out after the word "therefor" to the word "before" in the 9th line.

*Seventh.* In section 14, 2nd line, strike out the words "such sum" and insert the words "money which he is not required to pay over to the township treasurer, or of any money ordered by the township trustees to be paid to him for the repair of highways"

Strike out the words "and highways" in the 4th line of the same section.

*Eighth.* In the 3rd line of section 28, after the word "form" insert the words "under one binding."

The amendments of the committee were concurred in.

The question then was, will the Senate adopt the amendment proposed by Mr. Milliken on yesterday?

Which was decided in the negative. Ayes 19; noes 22.

The ayes and noes were demanded by Senators Winstandley and Emerson.

*Those who voted in the affirmative were,*

Senators Berry, Brugh, Delevan, Eddy, Hester, Holloway, Kinnard, Knowlton, Logan, Longshore, Marshall, Mickle, Milliken, Niblack, Scobey, Slack, Sleeth, Washburn, and Witherow.

*Those who voted in the negative were,*

Senators Alexander, Allen, Athon, Cravens, Dougherty, Emerson, Hanna, Henton, Hickman, Hicks, Kendall, Miller, Newland, Odell, Reid, Secrest, Spann, Teegarden, Todd, Turman, Walker, and Winstandley.

Mr. Slack moved to consider the amendments as engrossed, and read the bill a third time now;

Which was agreed to; when,

The bill was read a third time; and,

On motion by Mr. Slack,

Laid on the table.

The President laid before the Senate the following communication from the State Printer:

OFFICE OF THE STATE PRINTER, }  
INDIANAPOLIS, June 11, 1852. }

HON. JAMES H. LANE,

*President of the Senate:*

We are in receipt of the following resolution of the Senate, to-wit:

*Resolved,* That the State Printer report to the Senate as early as possible, the length of time required by law to print and have ready for distribution the laws passed at the present session; also, to report whether the Secretary of State or any other person is by duty bound to make a synopsis of the provisions thereof, and index the

same; and if not, to propose a plan by which these can be done, to the best interest of the State.

And in answer thereto we state, that the volume of session laws, together with the journals, and such other matters as the General Assembly may direct, will be printed within the time allowed by law, (sixty days after the adjournment) provided there be no delay in furnishing the copy.

The Revised Code can be printed by the first of December next, if we are supplied with copy one month after the adjournment. We are making ample arrangements for the most prompt publication of the Code.

It is the duty of the Secretary of State to make a synopsis of the provisions and index to the laws of each session; but whether that would cover the Revised Code and the Code of Civil and Criminal proceedings, we do not say. But as it is more in the line of duty of the Secretary of State than any other officer, in the absence of any provision by the Legislature, we should think it would be his duty. We regard it as important that the *time* for preparing and arranging the laws for the Revised Code, should be *limited*.

In order to limit it to a month, we think it would be best to associate with the Secretary of State for that space of time, either a member of the Legislature or some other person, so that no delay occur in this respect.

Very respectfully submitted,

ELLIS & SPANN,

*For the State Printer.*

Which,

On motion by Mr. Reid,

Was laid on the table.

Mr. Eddy moved to suspend the order of business;

Which was agreed to; when,

The following message from the House of Representatives, was taken up:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House concur in the amendments of the Senate to the 4th, 6th, 14th and 16th amendments of the House to Senate bill No. 176, "a bill for the incorporation of cities," and the House recedes from their 31st and 35th amendments, and insist upon their 3d, 25th and 26th amendments, and has appointed Messrs. Gookins and Brady a committee of free conference on the part of the House to act with a similar committee on the part of the Senate.

In which the concurrence of the Senate is respectfully requested.

Mr. Eddy moved that the Senate insist on their amendments. Which was agreed to, and, Senators Eddy and Winstandley appointed a committee of free conference on the part of the Senate.

# BILLS ON THEIR SECOND READING.

House bill No. 267. A bill to provide for the opening, vacating and change of highways;

Was read a second time and ordered to a third reading.

Mr. Dawson, from a select committee, submitted the following report:

MR. PRESIDENT:

The select committee to whom was referred House bill No. 283, have had that subject under consideration, and have made sundry amendments, which they recommend to be adopted, and ask to be discharged from the further consideration thereof.

1. In the 1st section, 14th specification, strike out "20" and insert "10 cts."

2. Strike out the 26th specification.

3. For marriage license and recording certificate of marriage, strike out "\$1 00" and insert "50 cts."

4. Strike out the first line on the 12th page.

Clerks fees in criminal proceedings.

5. In the 1st specification, strike out "50 cents" and insert "40 cents."

Clerks' fees in relation to estates—

6. Add after the word "paper" in the 3d specification, the words "other than a voucher for the payment of money."

7. Add an additional specification immediately after the above as follows:

"For filing all vouchers for money paid, each 2 cents."

8. For recording will, strike out 20 and insert 10 cents.

County auditors' fees—

9. Strike out the 4th specification.

County treasurer's fees—

10. Add after the proviso the following:

*And provided, further,* That they shall not be entitled to charge or receive any per centage or commission for receiving and paying over certificates or receipts for taxes or work done on roads and highways.

Prosecuting attorney's fees—

11. In the 1st specification, strike out \$4 00, and insert \$2 50.

12. Strike out specifications 3, 4, 5, 6 and 7.
13. In specification 8, strike out \$5 00 and insert \$2 50.
14. In specification 11, strike out \$10 00 and insert \$5 00.
15. In specification 10, strike out \$5 00 and insert \$4 00.
16. In the last line but one of the last specification strike out \$10.
17. In the 4th line of section 6, after the word "State," insert the words "or county."

Recorder's fees—

18. In the first specification strike out 30 cents, and insert 50 cents.
19. Strike out specifications 3 and 4.

County surveyor's fees—

20. In the 2d specification, after the word "mile" add the words "including random lines."

Juror's fees before justice of the peace—

21. Strike out "50 cents" and insert "25 cents."

Witness' fees in supreme court—

22. Strike out the last specification.

Witness' fees before justice of the peace—

23. In the 1st specification, strike out "50 cents" and insert "35 cents."

24. After the word "fees" in the 2d line of the same page, strike out to the word "justice" including that word, and insert the words "on the day of trial."

25. Strike out the last specification.

26. Strike out section 10, and insert the following in lieu thereof:

SEC. —. After five years from the termination of any suit in which services have been rendered, no fee bill shall issue for such services, until the party claiming the same shall give five days' notice in writing to party charged, to appear before the court in which the fees accrued, or the judge thereof in vacation, or a master in chancery, or a justice of the peace, as the case may be, and show cause against the issuing thereof, and then if no sufficient cause to the contrary be shown, the court, judge, master in chancery, or justice of the peace, as the case may be, shall order the said fee bill to issue.

The 1st, 2d, 4th, 5th, 6th, 7th 8th, 10th and 11th amendments were concurred in.

The 3d and 9th amendments were not concurred in.

The question being on the adoption of the 12th amendment.

A division of the question was called for;

The President having decided the question divisible;

The first question was on striking out the 3d specification; when, Mr. Marshall moved to amend the amendment of the committee by striking out \$10 00, as prosecutor's fees in divorce cases, and inserting \$5;

Which was agreed to.

Mr. Marshall then moved to amend the amendments of the com-

mittee to the 4th specification, by striking out \$10 and inserting \$5;  
Which motion prevailed.

Mr. Marshall then moved to amend the amendment to the 5th specification, by inserting in lieu of said specification the following, viz: "In all cases of final judgment in favor of the State on forfeited recognizances, \$5."

Which motion prevailed.

The 7th specification was stricken out.

The 13th, 14th, 15th, 16th, 17th, 18th, 19th, 24th, 25th and 26th amendments were concurred in.

The 20th, 21st, 22d and 23d were not concurred in.

Mr. Washburn moved to amend that part of the bill relative to Recorder's fees, by adding the words "or less" after the words "one hundred words;"

Which was agreed to.

Mr. Hester moved to strike out \$1 as the fee of witnesses in the circuit court, and insert in lieu thereof 75 cents.

Which was decided in the affirmative. Ayes 21; noes 17.

The ayes and noes were demanded by Senators Cravens and Hester.

*Those who voted in the affirmative were,*

Senators Alexander, Athon, Berry, Brugh, Eddy, Hanna, Henton, Hester, Hickman, Hicks, Holloway, Kendall, Logan, Milliken, Niblack, Reid, Scobey, Secrest, Todd, Washburn, and Winstandley.

*Those who voted in the negative were,*

Senators Allen, Cravens, Delevan, Dougherty, Emerson, Kinnard, Knowlton, Longshore, Mickle, Miller, Newland, Saffer, Sleeth, Spann, Turman, Walker, and Witherow.

Mr. Emerson moved to reconsider the vote on the amendment of the committee striking out the provision for mileage of witnesses.

Which was agreed to.

Mr. Emerson moved to lay the amendment on the table;

Which motion prevailed.

Mr. Secrest moved to reconsider the vote on the amendment reducing the fees of witnesses from \$1 00 to 75 cents;

Which was agreed to.

Mr. Secrest moved to amend the amendment by striking out "75 cents," and inserting "50 cents."

Which was decided in the negative—ayes 13, noes 24.

The ayes and noes were demanded by Senators Athon and Cravens.

*Those who voted in the affirmative were,*

Senators Alexander, Berry, Hester, Hickman, Hicks, Logan, Miller, Niblack, Reid, Scobey, Secrest, Washburn, and Winstandley.

*Those who voted in the negative were,*

Senators Allen, Athon, Brugh, Cravens, Delevan, Dougherty, Eddy, Emerson, Hanna, Holloway, Kendall, Kinnard, Knowlton, Longshore, Mickle, Milliken, Newland, Odell, Sleeth, Spann, Todd, Turman, Walker, and Witherow.

The question being on the adoption of the amendment ;

It was decided in the affirmative.

The question then being, shall the amendments be engrossed, and the bill ordered to a third reading ?

It was decided in the affirmative.

On motion by Mr. Athon,

The order of business was suspended.

Mr. Athon, from the committee on Benevolent Institutions of the State, submitted the following report :

**MR. PRESIDENT :**

The committee on Benevolent Institutions of the State, to whom was referred House bill No. 300, have had the same under consideration, and have made the following amendments, viz :

Insert after the word " Insane," in the 9th specification, "twelve hundred dollars," and after the word "the" in the 2d line insert the words "superintendent of the;" and also strike out of said line, all after the word "Asylum" to the word "each."

Also, in the 13th specification, insert after the word "dollars" the words "to be paid by the lessee of said prison."

After the adoption of which we recommend its passage, and ask to be discharged from the further consideration thereof.

The amendments of the committee were concurred in ; and,

The question being, shall the bill pass?

It was decided in the negative. Ayes 17; noes 22.

*Those who voted in the affirmative were,*

Senators Allen, Athon, Brugh, Emerson, Henton, Hester, Hicks, Kinnard, Longshore, Niblack, Saffer, Secrest, Spann, Todd, Turman, Washburn, and Winstandley.

*Those who voted in the negative were,*

Senators Alexander, Berry, Cravens, Delevan, Dougherty, Eddy, Hanna, Hickman, Holloway, Kendall, Knowlton, Logan, Mickle, Miller, Milliken, Newland, Odell, Reid, Scobey, Sleeth, Walker, and Witherow.

The President laid before the Senate the following communication from the Law Commissioners.

COMMISSIONER'S ROOM, }  
INDIANAPOLIS, June 11th, 1852. }

HON. S. S. MICKLE,

*President of the Senate:*

SIR:—Will you please lay before the Senate over which you have the honor to preside the report herewith submitted.

We have the honor to be,

Very respectfully yours,

WALTER MARCH,

G. W. CARR,

LUCIAN BARBOUR.

} *Commissioners.*

*To the Honorable the General Assembly of the State of Indiana:*

The commissioners on Practice and Pleading have the honor to submit herewith their final report.

The commissioners considering it to be a part of the duty imposed upon them by the law creating the commission, and believing that it would facilitate the understanding of the code, and aid in introducing uniformity in the practice have prepared some forms of process, affidavits, undertakings and also of pleading in civil and criminal actions.

They would have preferred presenting the forms along with the code, had it not been necessary to report the latter as early as possible in order to be considered and acted upon at the present session of the Legislature.

They have not thought it necessary to incur the expense of printing a large number of forms, as it is believed that those presented will serve to illustrate the principles upon which the pleadings and other papers may be drawn. And as one of the leading features of the code is that parties shall not be bound to use any arbitrary forms of pleading, it is recommended simply to enact that the forms presented may be used and when used shall be deemed sufficient, leaving parties



to select any other form that they may prefer, provided they contain the substance of what the law requires.

Not having had access to the bill defining misdemeanors, only one form of an *Information* is given. As, however, an information does not differ from an indictment except in the commencement, the form given, together with the forms of indictments, it is thought will answer every purpose.

At the close of the report, the form of an indictment for murder taken from a standard work on criminal pleading, is contrasted with one of the forms proposed in the same case, in order to exhibit the difference in the length of the pleading. On comparison it is believed that a like difference will be found throughout all the forms in criminal and civil pleading. There may be some alterations required in the forms to meet the amendments that have been made to the code since it was reported.

Respectfully submitted,

WALTER MARCH,  
G. W. CARR,  
LUCIAN BARBOUR.

The accompanying bill,

No. 198. A bill supplemental to an act entitled "An act to revise, simplify and abridge the rules, practice, pleading and forms in civil cases, in the courts of this State;

Was read a first time and passed to a second reading.

Mr. Hester moved to take up messages from the House;

Which was agreed to; when,

The following message was taken up:

**MR. PRESIDENT:**

I am directed by the House of Representatives to inform the Senate that the House insists on its engrossed amendment to Senate bill No. 129, "a bill providing for the election, and prescribing certain duties of county surveyor," and has appointed Messrs. Douthit and Leviston a committee of free conference on the part of the House to act with a similar committee on the part of the Senate.

In which the concurrence of the Senate is respectfully requested.

Mr. Hester moved that the Senate insist on their disagreement;

Which was agreed to; when,

Senators Hester and Athon were appointed a committee of free conference on the part of the Senate.

Also, the following message:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof:

No. 289. An act regulating ware houses, and the keepers thereof, and for the protection of persons depositing produce, goods, wares and merchandise therein, and to provide for the punishment of violations of the provisions thereof.

In which the concurrence of the Senate is respectfully requested.

The accompanying bill was read the first time and passed to a second reading.

Also, the following message:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has concurred in the engrossed amendment of the Senate to bill of the House No. 94, "an act to constitute a council to be composed of officers of State," &c., with an engrossed amendment.

In which the concurrence of the Senate is respectfully requested.

On motion,

The amendment of the House was concurred in.

Also, the following message:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House refuse to concur in the engrossed amendment of the Senate to bill of the House No. 104, "an act to regulate the mileage of sheriffs in conveying convicts to the State Prison, &c."

In which the concurrence of the Senate is respectfully requested.

The question being, will the Senate recede?

It was decided in the negative; and,

Senators Scobey and Cravens were appointed a committee of free conference on the part of the Senate.

Mr. Hickman, from the committee on Enrolled Bills submitted the following report:

MR. PRESIDENT:

The joint committee on Enrolled Bills to whom was referred bill No. 146, have compared the same and find it correctly enrolled.

Message from the House of Representatives, by Mr. Sites, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the Speaker has signed the following enrolled bills of the Senate:

Nos. 149, 146, 159 and 178;

Which I am directed to bring to the Senate for the signature of the President thereof.

Whereupon the President signed the same.

Also, the following message from the House of Representatives by Mr. Sites, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House recedes from its disagreement to the second engrossed amendment of the Senate to House bill No. 102, "a bill regulating the licensing of pilots, &c.

Also, the following message was received from the House of Representatives by Mr. Sites their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has concurred in the engrossed amendments of the Senate to engrossed bill of the House:

No. 292. An act to repeal sections five and six of an act entitled "an act to establish a free turnpike road in Jay county, &c."

On motion by Mr. Winstandley,  
The Senate met.

2 o'clock, P. M.

The Senate met.

Mr. Athon presented a petition from citizens of Indiana relative to raising a regiment of volunteers to protect emigrants to California and Oregon ;

Which was,

On his motion,

Referred to the committee on Federal Relations.

The following message was received from the House of Representatives, by Mr. Sites, their Clerk :

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof:

No. 210. An act regarding estrays and articles adrift.

In which the concurrence of the Senate is respectfully requested.

The accompanying bill was read a first time and passed to a second reading.

House bill No. 285. A bill providing for the election or appointment of supervisors of highways, and prescribing certain of their duties, and those of county and township officers in relation thereto;

Was taken up.

And the question being, shall the bill pass?

It was decided in the affirmative. Ayes 36; noes 1.

*Those who voted in the affirmative were,*

Senators Allen, Athon, Berry, Brugh, Cravens, Dawson, Delevan, Eddy, Emerson, Hester, Hicks, Holloway, Kendall, Kinnard, Knowlton, Logan, Longshore, Marshall, Mickle, Miller, Milliken, Niblack, Odell, Reid, Saffer, Scobey, Secrest, Slack, Sleeth, Spann, Teegarden, Todd, Walker, Washburn, Winstandley, and Witherow.

Senator Hanna voted in the negative.

The following message was received from the House of Representatives, by Mr. Sites, their Clerk :

MR. PRESIDENT:

I am directed by the House of Representatives, to inform the Senate that the House has passed the following engrossed bill thereof:

No. 294. An act in relation to the printing and the distribution of the revised statutes, and the code of civil and criminal practice. In which the concurrence of the Senate is respectfully requested. The accompanying bill was read a first time and passed to a second reading.

Also, the following message:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following resolution:

*Resolved*, (the Senate concurring,) That the joint resolution fixing the 15th instant as the day of adjournment, is hereby rescinded; and that the General Assembly adjourn *sine die* on the 21st instant.

In which the concurrence of the Senate is respectfully requested.

Which,

On motion by Mr. Eddy,

Was laid on the table.

Mr. Eddy, from the committee of Free Conference, submitted the following report:

MR. PRESIDENT:

The committee of Free Conference, to whom was referred the disagreement of the two Houses in relation to bill of the Senate No. 176, entitled "an act for the incorporation of cities," have considered the same and directed me to report that they have agreed to recommend that the House recede from their third amendment, and that the Senate concur in the 25th and 26th amendments of the House.

Which was concurred in.

Mr. Dawson presented a petition from John Miracle and others relative to certain school districts in Allen county;

Which was,

On his motion,

Referred to a select committee, and

Senators Dawson, Reid, and Hickman were appointed said committee.

Mr. Sleeth offered the following resolution:

*Resolved*, That, from and after to-day the Senate will receive and act upon no new business during the present session.

Which,

On motion by Mr. Emerson,

Was laid on the table.

Mr. Hanna introduced

Joint resolution No. 199. A joint resolution in relation to certain duties of the Wabash and Erie Canal Trustees, in reference to the erection of reservoirs in Clay county;

Which was read a first time and passed to a second reading.

On motion by Mr. Niblack,

House joint resolution No. 26, a joint resolution relative to the claim of Col. Francis Vigo, late a citizen of Knox county, Indiana, was taken up.

The joint resolution was read a third time.

The question being, shall the joint resolution pass?

It was decided in the negative—ayes 17, noes 23.

*Those who voted in the affirmative were,*

Senators Alexander, Cravens, Dougherty, Eddy, Hanna, Hester, Kendall, Knowlton, Longshore, Newland, Niblack, Odell, Slack, Spann, Todd, Winstandley, and Witherow.

*Those who voted in the negative were,*

Senators Allen, Athon, Berry, Brugh, Delevan, Emerson, Henton, Hickman, Hicks, Holloway, Hunt, Kinnard, Logan, Mickle, Miller, Milliken, Reid, Saffer, Scobey, Secrest, Sleeth, Walker, and Washburn.

Message from the House of Representatives, by Mr. Sites, their Clerk:

**MR. PRESIDENT:**

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bills thereof:

No. 248. An act in relation to the construction of statutes and the definition of terms thereof.

No. 306. An act to empower the circuit judges to fix the times of holding circuit courts in their respective circuits.

House bill No. 234. An act repealing all former acts of the Legislature except those therein named.

House bill No. 298. A bill in relation to applying certain funds therein named to the payment of the public debt.

No. 73. A bill to prohibit clerks and sheriffs, and their deputies, from practicing law.

Also, joint resolution No. 33. A joint resolution on the subject of bridges over navigable streams.

In which the concurrence of the Senate is respectfully requested.

The accompanying bills were each read a first time and passed to a second reading.

Also, the following message was received from the House of Representatives by Mr. Sites their clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill of the Senate:

No. 116. A bill establishing general provisions respecting corporations;

With one engrossed amendment.

In which the concurrence of the Senate is respectfully requested.

The amendment of the House was concurred in.

Mr. Holloway, from the committee on Agriculture, submitted the following report:

MR. PRESIDENT:

The committee on Agriculture, to whom was referred bill of the House No. 287, entitled "An act for the protection of sheep," have considered the same, and made two amendments thereto, upon the adoption of which they recommend the passage of the bill.

Amend by striking out the words "or dogs," in the third line of the first section, and the words "or dogs, or any of them," in the fifth line of the said first section.

Mr. Scobey moved that the amendments be considered as engrossed, and that the bill be read a third time now;

Which was agreed to, and the bill read a third time; and,

The question being, shall the bill pass?

It was decided in the affirmative. Ayes 29; noes 10.

*Those who voted in the affirmative were,*

Senators Allen, Berry, Brugh, Cravens, Delevan, Eddy, Emerson, Henton, Hickman, Hicks, Holloway, Kendall, Kinnard, Knowlton, Logan, Milliken, Newland, Odell, Saffer, Scobey, Secrest, Slack, Sleeth, Todd, Turman, Walker, Washburn, Winstandley and Witherow.

*Those who voted in the negative were,*

Senators Alexander, Athon, Dougherty, Hester, Hunt, Longshore, Mickle, Miller, Niblack, and Todd.

1852  
Message from the House of Representatives, by Mr. Sites their clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed joint resolution of the Senate without amendment:

No. 189. A joint resolution inviting and welcoming Thomas Francis Meagher to the hospitalities of the citizens of Indiana.

The accompanying joint resolution was read a first time and passed to a second reading.

Also, the following message:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has concurred in the engrossed amendments of the Senate to House bill No. 165. An act for the repeal of an act limiting the fees of the auditor in the county of Marshall.

On motion by Mr. Secrest,  
The Senate adjourned.

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SATURDAY MORNING, }  
June 12th, 1852. }

The Senate met.

On motion by Mr. Saffer,  
A call of the Senate was ordered.

Senators Alexander, Athon, Brugh, Davis, Dawson, Delevan, Eddy, Emerson, Hicks, Holloway, Kendall, Logan, Longshore, Miller, Secrest, Teegarden, Todd, Turman, Winstandley and Witherow were absent.

A quorum appearing;

On motion,

The call was suspended.

The reading of the Journal of yesterday was dispensed with.



## REPORTS SUBMITTED.

By Mr. Hanna from the committee on the Judiciary:

MR. PRESIDENT:

The committee on the Judiciary, to whom was referred bill of the House No. 176, with certain instructions, have directed me to report the same back with the following amendment, made in pursuance of the said instructions, to-wit:

Strike out of the 6th section all after the word "specified" in the 4th line, to the word "upon" in the 6th line, and insert in lieu thereof the words "sufficient lands for a right of way;" also strike out the words "and materials" in the 22d line of the same section.

The amendments of the committee were concurred in; and  
The question being, shall the bill pass?  
It was decided in the affirmative—ayes 29, noes 7.

*Those who voted in the affirmative were,*

Senators Brugh, Dawson, Delevan, Dougherty, Eddy, Emerson, Hanna, Henton, Hester, Hicks, Holloway, Hunt, Kinnard, Logan, Marshall, Mickle, Milliken, Newland, Niblack, Reid, Saffer, Scobey, Secrest, Slack, Sleeth, Spann, Walker, Washburn, and Winstandley.

*Those who voted in the negative were,*

Senators Alexander, Allen, Berry, Knowlton, Miller, Teegarden, and Witherow.

By Mr. Eddy, from the committee on Revision:

MR. PRESIDENT:

The joint committee on Revision, to whom was referred Senate bill No. 54, entitled "a bill to provide for the payment of damages done private persons by incorporated companies," have considered the same, and inasmuch as a bill has passed embracing that subject, have instructed me to report it back and recommend that it be laid upon the table.

Which was concurred in.

By Mr. Eddy, from the same committee:

MR. PRESIDENT:

The joint committee on Revision, to whom was referred House bill No. 184, in relation to railroad companies bridging navigable streams, have considered the same, and directed me to report to the Senate, and recommend that it be laid upon the table, a bill having passed this body upon that subject.

Which was concurred in.

By Mr. Eddy, from the same committee:

MR. PRESIDENT:

The joint committee on Revision, to whom was referred Senate bill No. 52, a bill in relation to White River navigation company, have considered the same, and directed me to report it back, and recommend that it be laid upon the table, a bill having passed upon the same subject.

Which was concurred in.

#### ORDERS OF THE DAY.

##### *Bills on their Third Reading.*

House bill No. 267. A bill to provide for the opening, vacating and change of highways;

Was read a third time, and passed—ayes 36, noes 1.

*Those who voted in the affirmative were,*

Senators Alexander, Athon, Berry, Brugh, Cravens, Delevan, Dougherty, Eddy, Emerson, Hanna, Henton, Hester, Hickman, Hicks, Holloway, Kendall, Kinnard, Marshall, Mickle, Miller, Milliken, Newland, Niblack, Odell, Reid, Saffer, Scobey, Secrest, Slack, Sleeth, Spann, Todd, Turman, Walker, Washburn, and Witherow.

Senator Teegarden voted in the negative.

House bill No. 283. A bill regulating the fees of officers;

Was read a third time;

And the question being on the passage,

It failed for want of a constitutional majority—ayes 20, noes 18.

*Those who voted in the affirmative were,*

Senators Allen, Athon, Brugh, Delevan, Emerson, Hester, Hickman, Holloway, Kendall, Kinnard, Knowlton, Mickle, Miller, Milliken, Newland, Saffer, Todd, Walker, Washburn, and Winsteadley.

*Those who voted in the negative were,*

Senators Alexander, Berry, Cravens, Eddy, Hanna, Henton, Hunt, Logan, Niblack, Odell, Reid, Scobey, Secrest, Slack, Sleeth, Spann, Teegarden, and Witherow.

#### BILLS ON THEIR SECOND READING.

House bill No. 289. A bill regulating ware-houses and the keepers thereof, and for the protection of persons depositing produce, goods, wares and merchandise therein;

Was read a second time, when

Mr. Eddy offered the following additional sections:

SEC. —. There shall be levied, in each and every year, on the taxable property of this State, two and a half cents on the hundred dollars for the reduction and ultimate extinction of the public debt.

SEC. —. The several county auditors shall enter in a separate column on their respective tax duplicates, and opposite the name of each person chargeable therewith, the tax levied pursuant to this act, and the same, when collected, shall be kept as a separate fund, and an account made thereof upon the books of the treasurer and auditor respectively, in like manner as other specific taxes.

Mr. Cravens moved to amend the amendment as follows:

Strike out two and a half, and insert four.

Which was not agreed to.

The question being on the adoption of the sections,

It was decided in the affirmative. Ayes 21; noes 18.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Athon, Berry, Brugh, Cravens, Delevan, Eddy, Emerson, Hanna, Hester, Kinnard, Mickle, Milliken, Newland, Niblack, Saffer, Secrest, Sleeth, Todd, and Walker.

*Those who voted in the negative were,*

Senators Henton, Hicks, Holloway, Hunt, Kendall, Knowlton, Logan, Marshall, Miller, Odell, Reid, Scobey, Slack, Spann, Teegarden, Washburn, Winstandley, and Witherow.

The amendments were then ordered to be engrossed, and the bill ordered to a third reading.

No. 199 of the Senate. A joint resolution in relation to certain duties of the Wabash and Erie canal trustees, in reference to the erection of reservoirs in Clay county;

Was read a second time and ordered to be engrossed.

House bill No. 73. A bill to prohibit clerks and sheriffs, and their deputies, from practicing law;

Was read a second time, when

Mr. Secrest moved to refer the bill to the committee on the Judiciary;

Which motion prevailed.

House bill No. 248. A bill in relation to the construction of statutes, and the definition of terms therein;

Was read a second time, when

Mr. Hester moved to insert before the word "codicil," in the 8th section, the words "testament and."

Which was agreed to.

The amendment was ordered to be engrossed, and the bill ordered to a third reading.

No. 306. A bill to empower the circuit judges to fix the time of holding circuit courts in their respective circuits;

Was read a second time; when,

Mr. Emerson moved to lay the bill on the table;

Which motion prevailed.

House bill No. 289. A bill regulating ware houses and the keepers thereof, and for the protection of persons depositing produce, goods, wares and merchandise therein;

Was read a second time; when,

On motion by Mr. Secrest,

The bill was referred to the committee on Practice and Pleadings.

House bill No. 234. A bill repealing all former acts of the Legislature, except those therein named;

Was on its second reading; when,

On motion by Mr. Secrest,

It was referred to the committee on Revision, with the following instructions:

Amend so as to provide for publishing the Code of Practice in civil and criminal cases, and forms in relation thereto, and all laws for the organization of courts and the forms of proceeding therein, in one volume.

House bill No. 210. A bill regarding estrays and articles adrift;  
Was read a second time: and,

On motion by Mr. Allen,

Referred to a select committee.

Senators Allen, Kinnard, Walker, Todd and Odell, were appointed said committee.

On motion,

The order of business was suspended.

On motion by Mr. Secrest,

The resolution of the House fixing the 21st inst. instead of the 15th inst. as the day of final adjournment, was taken up.

Mr. Slack moved to amend by striking out the 21st and inserting the 18th;

Which was not agreed to.

The question being on concurring in the resolution,

It was decided in the affirmative. Ayes 32; noes 9.

The ayes and noes were demanded by Senators Miller and Newland.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Athon, Berry, Brugh, Cravens, Delevan, Dougherty, Eddy, Emerson, Henton, Hester, Hickman, Hicks, Hunt, Kinnard, Logan, Longshore, Mickle, Niblack, Odell, Reid, Saffer, Secrest, Slack, Spann, Teegarden, Todd, Turman, Walker, Washburn, and Winsteadley.

*Those who voted in the negative were,*

Senators Holloway, Kendall, Marshall, Miller, Milliken, Newland, Scobey, Sleeth and Witherow.

On motion by Mr. Reid,

House bill No. 306. A bill to empower the circuit judges to fix the times of holding the circuit courts in their respective circuits;

Was taken from the table.

On motion by Mr. Reid,

The bill was referred to the select committee on districting the State into judicial circuits.

The order of business was resumed.

Senate bill No. 198. A bill supplemental to an act entitled "an act to revise, simplify, and abridge the rules, practice, pleadings, and forms in civil cases in courts of this State," &c.;

Was read a second time, and,

On motion by Mr. Hester,  
Was referred to the committee on Revision.

On motion,  
The order of business was suspended.

On motion by Mr. Hester,  
House bill No. 256. A bill to provide for township elections;  
Was taken up.

Mr. Hester moved to amend section 1, by striking out the words  
"by the township trustees."

2. Insert after the word "conducted" in the 10th line of the same  
section the words "by the officers of."

Which motion prevailed.

Mr. Hester moved to add at the end of section 2, the words "ex-  
cept as otherwise provided by law."

Which was agreed to.

On motion by Mr. Hester,

The amendments were considered as engrossed and the bill read  
a third time now;

The bill was read a third time; and,

The question being, shall the bill pass?

It was decided in the affirmative—ayes 37, noes 0.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Athon, Berry, Brugh, Cravens, Dele-  
van, Dougherty, Eddy, Emerson, Hanna, Henton, Hester, Hickman,  
Hicks, Holloway, Hunt, Kendall, Kinnard, Knowlton, Logan, Long-  
shore, Mickle, Milliken, Newland, Niblack, Saffer, Scobey, Secrest,  
Slack, Sleeth, Spann, Turman, Walker, Washburn Winstandley and  
Witherow.

The order of business was resumed.

Message from the House of Representatives by Mr. Sites their  
clerk:

MR. PRESIDENT:

I am directed by the House to inform the Senate that the House has  
refused to concur in the engrossed amendment of the Senate to House  
bill No. 302, "An act in relation to the assessment and taxation of  
the stock of canal companies."

In which the concurrence of the Senate is respectfully requested.

Mr. Slack moved to recede.

On motion by Mr. Hester,  
A call of the Senate was ordered.

Senators Davis, Dawson, Miller, Reid, Saffer, Teegarden and Turman were absent.

On motion by Mr. Berry,  
The call was dispensed with.

On motion by Mr. Berry,  
The message was laid on the table.

On motion by Mr. Secrest,  
The message was taken up.  
The question recurring on the motion to recede,  
It was decided in the negative. Ayes 13; noes 27.

The ayes and noes were demanded by Senators Berry and Secrest.

*Those who voted in the affirmative were,*

Senators Allen, Brugh, Cravens, Delevan, Emerson, Hanna, Hunt, Longshore, Mickle, Newland, Reid, Slack, and Spann.

*Those who voted in the negative were,*

Senator Alexander, Athon, Berry, Dougherty, Eddy, Henton, Hester, Hickman, Holloway, Kendall, Kinnard, Knowlton, Logan, Miller, Milliken, Niblack, Odell, Saffer, Scobey, Secrest, Sleeth, Todd, Turman, Walker, Washburn, Winstandley, and Witherow.

Message from the House of Representatives by Mr. Sites, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill of the Senate:

No. 143. "An act for the incorporation of insurance companies, defining their powers, and prescribing their duties, and in relation to foreign insurance companies, and their agents."

With two amendments;

In which the concurrence of the Senate is respectfully requested.

The amendments of the House were concurred in.

Mr. Reid, from a select committee, submitted the following report:

MR. PRESIDENT:

The select committee, to whom was referred the petition of John Miracle and others, concerning the change of a part of Springfield township for school purposes, have had the same under consideration, and requested me to report the same back to the Senate, and recom-

mend that it be laid on the table, a bill having already passed making the necessary change.

Which was concurred in.

Mr. Henton asked leave to withdraw from the files sundry petitions from citizens of the counties of Miami and Wabash, on the subject of temperance.

Which was granted.

Message from the House of Representatives, by Mr. Sites, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has concurred in the 1st engrossed amendment of the Senate to House bill No. 291, "an act supplemental to an act entitled an act to regulate the sale of the swamp lands donated by the United States to the State of Indiana, and to provide for the draining and reclaiming thereof in accordance with the condition of said grant," and refuse to concur in the 2d engrossed amendment of the Senate.

In which the concurrence of the Senate is respectfully requested.

On motion,

The Senate receded from their amendment.

Also, the following message from the House of Representatives:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed joint resolution thereof:

No. 34. A joint resolution to require the Secretary of State to publish certain acts therein named.

In which the concurrence of the Senate is respectfully requested.

The accompanying joint resolution was read a first time and passed to a second reading.

Also, the following message from the House of Representatives:

MR. PRESIDENT:

I am directed by the House to inform the Senate that the House has passed the following engrossed bill of the House:



No. 316, "A bill amendatory of the charter of the town of Clarksville in Clark and Floyd counties."

In which the concurrence of the Senate is respectfully requested.

The accompanying bill was read a first time and passed to a second reading.

Also, the following message from the House of Representatives:

MR. PRESIDENT:

I am directed by the House to inform the Senate that the House has appointed Messrs. Buskirk and McDonald a committee of Free Conference on the part of the House, to act with a similar committee already appointed on the part of the Senate to take into consideration the disagreement of the two Houses on Senate amendments to House bill No. 104, "an act to regulate the mileage of sheriffs in conveying convicts to the State Prison, &c."

Also, the following message:

MR. PRESIDENT:

I am directed by the House to inform the Senate that the Speaker has signed the following enrolled bill thereof: No. 137; which I am directed to bring to the Senate for the signature of the President thereof.

Whereupon the President signed the same.

Also, the following message:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has concurred in the report of the committee of free conference to whom was referred the disagreement of the two Houses upon engrossed bill of the Senate No. 176, "an act for the Incorporation of cities."

Also, the following message:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the house has passed the following engrossed bill of the Senate: No. 133. "An act to enable trustees to receive lands and donations,

and convey the same for the use of schools churches, religious societies, Masonic and Odd Fellows Lodges, Sons and Daughters of Temperance, and for the construction of cemeteries, houses of worship, and other buildings therein mentioned," without amendment.

Also the following message :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the speaker has signed the following enrolled bills of the House. Nos. 216, 292, 284, 164, 305, and 48, which I am directed to bring to the Senate for the signature of the President thereof.

Whereupon the President signed the same.

Also the following message :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill of the Senate :  
No. 186. " A bill providing for the organization of county boards and prescribing some of their powers and duties," with three amendments.

In which the concurrence of the Senate is respectfully requested.  
The amendments of the House were concurred.

Mr. Berry, from the committee on Federal Relations, submitted the following report :

MR. PRESIDENT :

The committee on Federal Relations, to whom was referred the petition of sundry citizens in relation to raising a regiment of mounted riflemen, to escort emigrants to the Pacific coast, have had that subject under consideration, and inasmuch as a joint resolution on the same subject has already passed the Senate, they recommend that the petition lie on the table.

Which was concurred in.

Mr. Hanna, from the committee on the Judiciary, submitted the following report :

MR. PRESIDENT :

The committee on the Judiciary, to whom was referred the peti-

tion of Stephen Bawck, have had the same under consideration, and have directed me to report the same back, as no legislation is necessary upon the subject, and recommend that it be laid on the table.

Which was concurred in.

Mr. Eddy asked leave to withdraw from the files the papers in relation to the above mentioned petition.

Which was granted.

Mr. Winstandley asked leave to withdraw from the files a petition from the citizens of Floyd county praying for the passage of the Maine liquor law;

Which was granted.

Mr. Newland presented the following request:

MR. PRESIDENT:

I ask leave of absence for the remainder of the session.

June 12, 1852.

B. NEWLAND.

Which was not granted.

Mr. Emerson moved to reconsider the vote on the passage of House bill No. 273;

Which motion prevailed.

On motion by Mr. Odell,

The bill was referred to a select committee.

Senators Odell, Secrest and Scebey were appointed said committee.

On motion by Mr. Athon,

The Senate adjourned.

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2 o'clock, P. M.

The Senate met.

On motion by Mr. Longshore,

Mr. Niblack was called to the chair.

Mr. Eddy offered the following resolution:

*Resolved*, That the House of Representatives be respectfully requested to return to the Senate, bill No. 176 of the House, passed the Senate this day and entitled an act to provide for the organization of canal and water works companies;

Which was adopted.

Mr. Hester introduced No. 200. A bill to provide for the government of the Institution for the Blind;

Which was read a first time and passed to a second reading.

Also, No. 201. A bill touching the State University;

Which was read a first time and passed to a second reading.

Mr. Longshore moved the House adjourn.

Which was not agreed to.

Message was received from the Governor, by Mr. King, his private secretary:

MR. PRESIDENT:

I am directed by the Governor to inform the Senate that he has approved and signed the following bills, to-wit:

No. 159. An act touching gaming contracts.

No. 146. An act to provide for the election and certain duties of prosecuting and district attorneys.

No. 149. An act for the incorporation of towns, defining their powers, providing for the election of officers thereof, and declaring their duties.

No. 178. An act to establish courts of conciliation, to prescribe rules and proceedings therein, and compensation thereof.

Which bills originated in the Senate.

Mr. Hester moved to take up House bill No. 283. A bill regulating the fees of officers;

Which was not agreed to.

On motion,

A call of the Senate was ordered.

Senators Cravens, Davis, Dawson, Hicks, Marshall, Odell, Secrest, Slack, Spann and Todd were absent.

Mr. Longshore moved to dispense with the further call;

Which was not agreed to.

On motion by Mr. Berry,

The further call was dispensed with.

Mr. Berry offered the following resolution:

*Resolved*, That the Principal Secretary, Assistant Secretary, the Door-keeper and chairman of committees, be requested to report to the Senate the names of their several employees, and the number of days each has served.

Which was adopted.

Mr. Longshore moved to adjourn.

Which was not agreed to.

The question being on the passage of House bill No. 283, "a bill regulating the fees of officers,"

It failed for want of a constitutional majority. Ayes 22, noes 14.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Athon, Brugh, Delevan, Dougherty, Emerson, Hester, Kinnard, Knowlton, Longshore, Mickle, Miller, Milliken, Newland, Odell, Slack, Sleeth, Turman, Walker, Washburn, and Winsteadley.

*Those who voted in the negative were,*

Senators Berry, Eddy, Hanna, Henton, Hickman, Holloway, Hunt, Kendall, Logan, Niblack, Reid, Scobey, Teegarden, and Witherow.

On motion,

The bill was again taken up;

And the question being, shall the bill pass?

It was decided in the affirmative. Ayes 27, noes 9.

*Those who voted in the affirmative were, .*

Senators Alexander, Allen, Athon, Brugh, Delevan, Dougherty, Eddy, Emerson, Hester, Hunt, Kinnard, Knowlton, Longshore, Mickle, Miller, Newland, Niblack, Odell, Reid, Slack, Sleeth, Teegarden, Turman, Walker, Washburn, Winsteadley, and Witherow.

*Those who voted in the negative were,*

Senators Berry, Hanna, Henton, Hickman, Holloway, Kendall, Logan, Milliken, and Scobey.

The President laid before the Senate the following communication from the Assistant Secretary:

SENATE CHAMBER, }  
June 12th, 1852. }

HON. S. S. MICKLE,

*President of the Senate:*

In obedience to a resolution adopted by the Senate, I herewith submit the names of persons employed by me:

M. G. C. W. Tanner, from December 1st up to the present time.

John M. Lord during the same time.

William K. Logan from Dec. 1st to Dec. 25th.

All of which is respectfully submitted.

JAMES H. VAWTER,

*Assistant Secretary.*

Which,

On motion by Mr. Emerson,

Was laid on the table.

Mr. Eddy moved to take from the table a petition reported back the committee on the Judiciary, on this morning, and recommit same to said committee.

Which was agreed to.

Message from the House of Representatives, by Mr. Sites, their clerk:

R. PRESIDENT:

I am directed by the House of Representatives to inform the Senate at the House has passed the following engrossed bill thereof:

No. 247. An act respecting foreign corporations and their agents this State;

In which the concurrence of the Senate is respectfully requested. The accompanying bill was read a first time, and passed to a second reading.

Also, the following message:

R. PRESIDENT:

I am directed by the House of Representatives to inform the Senate at the House has passed the following engrossed bills of the Senate:

No. 167. A bill concerning licenses to vend foreign merchandize, exhibit any caravan, menagerie, circus, rope and wire dancing, puppet show and legerdemain.

No. 179. A bill relative to probate courts.

No. 191. A bill to quiet the title to lands granted for the purpose of county seats, and to legalize the sales of any such lands, or any part thereof.

Without amendment.

Mr. Holloway, from the committee on printing, submitted the following report:

R. PRESIDENT:

The committee on printing, to which was referred the petition of certain citizens of Wayne county, asking that the revised statutes

may be printed in the German language, beg leave to return the same to the Senate, and ask to be discharged from the further consideration of said petition, as the subject matter has been provided for.

Which was concurred in.

Mr. Miller moved to reconsider the vote on passing House bill No. 300 ;

Which was agreed to.

Mr. Milliken moved to reconsider the vote adopting the salary of the Superintendent of the Insane Asylum at \$1200 per year; when

Mr. Miller moved to lay the bill on the table ;

Which motion prevailed ; when,

On motion by Mr. Henton,

The Senate adjourned.

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MONDAY MORNING, }  
June 14, 1852. }

The Senate met.

The reading of the Journal of Saturday was commenced ; when,

On motion by Mr. Dougherty,

The further reading of the journal was dispensed with.

On motion by Mr. Berry,

The order of business was dispensed with, when

Mr. Berry introduced

No. 202. A bill to provide for the settlement of claims against the State ;

Which was read a first time and passed to a second reading.

The President laid before the Senate the following communication from the Secretary of the Senate :

SENATE CHAMBER, }  
June 14th, 1852. }

S. S. MICKLE,  
*President of the Senate:*

herewith hand you my reply to interrogatories of the Senate, relation of June 12th, as to number of assistants employed by me, the time.

employed E. K. Bascom on the 2d December, 1851, and up to date.

Also, Horace E. Carter from the 1st of December up to the 25th January.

William M. Noel from the 21st December to this time.

Wm. F. Sherrod from the 26th January to the 26th May.

It is perhaps proper for me to say that no allowance need be made indexing the Journal, as it has been done by my assistants.

All of which is respectfully submitted.

JOHN P. DUNN,  
*Principal Sec'y.*

Also, the following communication from the Door-keeper:

S. S. MICKLE,  
*President pro tem. of the Senate:*

In accordance with the resolution of the Senate requiring the officers thereof to report the assistants and time of service of each of them, I submit the following:

<i>Assistant Door-keepers.</i>	<i>Time of service.</i>
John Neff, .....	164 days.
John Kyle, .....	101 "
Thomas A. Patterson, .....	168 "
John Jaquith, .....	167 "
John Sigler, .....	101 "

Messrs. Kyle and Sigler were not continued as assistants after the adjournment in March last.

And Thos. A. Patterson four days, and C. C. Jacquith three days immediately preceding the meeting of the General Assembly (April) preparing and making ready the Senate chamber.

WM. M. PATTERSON.

On motion by Mr. Slack,  
The communications were laid on the table.  
Mr. Slack offered the following resolution:



*Resolved.* That the State Printer be requested to furnish two hundred and fifty copies of the amendments to the civil and criminal code for the use of the Senate.

Which was adopted.

Mr. Hester, from the joint committee on Revision, submitted following report:

MR. PRESIDENT:

The committee on Revision, to whom was referred Senate bill 198, a bill to abridge forms in criminal actions, have had the same under consideration, and have directed me to report it back and commend its passage, and they ask to be discharged from the further consideration thereof.

Mr. Hester moved that the bill be considered as engrossed, that it be read a third time now;

Which motion prevailed.

The bill was then read a third time, when

On motion by Mr. Emerson,

It was laid on the table.

Mr. Allen, from a select committee, submitted the following report:

MR. PRESIDENT:

The select committee to whom was referred House bill No. 100, have had the same under consideration, and have directed me to report it back with one amendment, and when so amended, to commend its passage, and they ask to be discharged from the further consideration thereof.

Amend by striking out all after the word "allowed," in the second line of section 16, to the word "and," in the 8th line of same section, and insert, "such compensation for keeping such proper shall be, by the justice before whom the proper proceedings are deemed just and reasonable.

The amendment was concurred in; when,

On motion by Mr. Allen,

The bill was considered as engrossed, and read a third time.

When,

On motion by Mr. Emerson,

The bill was laid on the table.

Mr. Emerson moved to discharge the committee on Practice Pleadings, &c., from the further consideration of House bill

No. 289. A bill regulating ware houses and the keepers thereof and for the protection of persons depositing produce, goods, wares and merchandise therein, and to provide for the punishment of violations of the provisions thereof.

Which motion prevailed; when

Mr. Emerson moved to strike out of the third line of the first section, the words "it shall be the duty of;" also, strike out the word "to" after the words "ware-houses," and insert the word "shall."

Strike out the same words in the second section; also, strike out the word "to" after the word "keepers" in the third line of said section, and insert the word "shall."

Which was agreed to.

On motion,

The order of business was suspended.

On motion by Mr. Emerson,

Messages from the House were taken up.

Message from the House of Representatives by Mr. Sites their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof:

No. 312. An act supplemental to an act entitled "an act to establish courts of common pleas, and defining the jurisdiction and duties, and providing for the compensation of the judges thereof."

In which the concurrence of the Senate is respectfully requested.

The accompanying bill was read the first time and passed to a second reading.

Also, the following message from the House of Representatives:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has concurred in the resolution of the Senate, and herewith return bill of the House No. 176, entitled "An act to provide for the organization of canal and water works companies," &c.

On motion by Mr. Emerson,

The vote on the passage of the bill was reconsidered.

On motion by Mr. Eddy,

The bill was referred to a select committee.

Senators Eddy, Hunt and Berry, were appointed said committee.

On motion,

The order of business was suspended.

On motion by Mr. Emerson,  
Bills on their second reading were taken up.

Senate bill No. 201. A bill touching the State University,  
Was on its second reading; when,

On motion by Mr. Hester,  
It was referred to a select committee.  
Senators Hester, Newland and Knowlton, were appointed  
committee.

House joint resolution No. 34. A joint resolution to require  
Secretary of State to publish certain acts therein named;

Was read a second time, and,

On motion by Mr. Reid,  
Referred to a select committee.

Senators Reid, Niblack and Slack, were appointed said commi

Senate bill No. 200. A bill to provide for the government of  
institution for the Blind;

Was read a second time and ordered to be engrossed for a  
reading.

House bill No. 347. A bill respecting foreign corporations,  
their agents in this State;

Was read a second time, and,

On motion by Mr. Eddy,  
Referred to the committee on Corporations.

Mr. Hester moved to reconsider the vote ordering Senate bill  
200 to engrossment;

Which was agreed to.

On motion by Mr. Hester,  
The bill was referred to the committee on Revision.

House bill No. 316. A bill amendatory of the charter of the  
of Clarksville, in Clark and Floyd counties;

Was read a second time and ordered to a third reading.

On motion,

House joint resolution No. 34, A joint resolution directin  
Secretary of State to publish certain acts therein named;

Was read a third time and passed. Ayes 33; noes 3.

*Those who voted in the affirmative were,*

Senators Allen, Athon, Berry, Brugh, Cravens, Delevan, D  
erty, Eddy, Emerson, Hanna, Henton, Hester, Hickman, Holl  
Hunt, Kendall, Kinnard, Knowlton, Logan, Longshore, M  
Miller, Milliken, Newland, Odell, Reid, Scobey, Slack, Teega  
Turman, Walker, Washburn, and Winstandley.

Senators Niblack, Sleeth, and Witherow voted in the negative.

Mr. Emerson moved to take up Senate bill No. 198. A bill to abridge the forms in civil and criminal actions.

The bill having been read three times the question, shall the bill pass?

Was was decided in the affirmative—ayes 33, noes 3.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Athon, Berry, Brugh, Cravens, Delevan, Dougherty, Eddy, Emerson, Hanna, Henton, Hester, Hickman, Holloway, Hunt, Kendall, Kinnard, Knowlton, Longshore, Mickle, Miller, Milliken, Newland, Niblack, Odell, Reid, Slack, Sleeth, Teegarden, Turman, Washburn, and Winstandley.

Senators Logan, Scobey, and Witherow voted in the negative.

On motion by Mr. Emerson,

House bill No. 210. A bill regarding estrays and articles adrift; Was taken up.

The question being, shall the bill pass?

It was decided in the affirmative. Ayes 37; noes 0.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Athon, Berry, Brugh, Cravens, Delevan, Dougherty, Eddy, Emerson, Hanna, Henton, Hester, Hickman, Holloway, Hunt, Kendall, Kinnard, Knowlton, Logan, Longshore, Mickle, Miller, Milliken, Newland, Niblack, Odell, Reid, Scobey, Slack, Sleeth, Teegarden, Turman, Walker, Washburn, Winstandley and Witherow.

On motion,

The order of business was suspended, when

Mr. Eddy, from a select committee, submitted the following report:

MR. PRESIDENT:

The select committee to whom was referred House bill No. 176, report the same back with the following amendment, and upon its adoption, recommend its passage.

Add the following section:

Nothing in this act shall be so construed as to permit any such company to use such hydraulic works, or to take water from the canal for either of the purposes herein designated, unless such company shall first complete and place such canal in good navigable or-

der from the point of commencement, or from the city of Indianapolis, if the central canal, to the point where it is proposed to construct hydraulic works, or take water for the supply of cities and towns as aforesaid.

The question being, shall the bill pass?

It was decided in the affirmative; ayes 34, noes 3.

*Those who voted in the affirmative were,*

Senators Allen, Athon, Brugh, Cravens, Delevan, Dougherty, Eddy, Emerson, Hanna, Henton, Hester, Hickman, Holloway, Hunt, Kendall, Kinnard, Knowlton, Logan, Longshore, Mickle, Miller, Milliken, Newland, Niblack, Odell, Reid, Scobey, Slack, Sleeth, Teegarden, Turman, Walker, Washburn and Winsteadley.

*Those who voted in the negative were,*

Senators Alexander, Berry, and Witherow.

The order of business was resumed.

Senate joint resolution No. 199, a joint resolution in relation to certain duties of the Wabash and Erie canal trustees, in reference to the erection of reservoirs in Clay county.

Was read a third time; and

The question being, shall the bill pass?

It failed for want of a constitutional majority. Ayes 24, noes 12.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Athon, Berry, Brugh, Cravens, Delevan, Dougherty, Eddy, Hanna, Henton, Hester, Holloway, Hunt, Kinnard, Longshore, Mickle, Newland, Slack, Sleeth, Teegarden, Walker, Washburn, and Winsteadley.

*Those who voted in the negative were,*

Senators Emerson, Hickman, Kendall, Knowlton, Logan, Milliken, Niblack, Odell, Reid, Scobey, Turman, and Witherow.

House bill No. 248. A bill in relation to the construction of statutes and the definition of terms therein.

Was read a third time, and,

On motion by Mr. Emerson,

Referred to the committee on Revision.

Senate joint resolution No. 199. A joint resolution relative to certain duties of the Wabash and Erie canal trustees in reference to the erection of reservoirs in Clay county.

Was read a third time and passed. Ayes 30; noes 5.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Athon, Berry, Brugh, Delevan, Dougherty, Eddy, Emerson, Hanna, Henton, Hester, Hickman, Holloway, Hunt, Kinnard, Knowlton, Logan, Longshore, Mickle, Miller, Milliken, Newland, Reid, Slack, Sleeth, Teegarden, Walker, Washburn, and Witherow.

*Those who voted in the negative were,*

Senators Kendall, Niblack, Odell, Scobey, and Turman.

House bill No. 298, a bill in relation to applying certain funds therein named to the payment of the public debt;

Was read a third time,

When on motion,

It was laid on the table.

The following message was received from the House of Representatives, by Mr. Sites, their Clerk:

**MR. PRESIDENT:**

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof: No. 315, an act to provide for the appointment of Trustees, in the civil townships of this State.

In which the concurrence of the Senate is respectfully requested.

The accompanying bill was read a first time and passed to a second reading.

Mr. Emerson, from the committee on Revision, submitted the following report:

**MR. PRESIDENT:**

The committee on Revision to whom was referred House bill 29 have had the same under consideration, and have directed me to report it back with the accompanying amendment, and recommend its passage; and they ask to be discharged from the further consideration thereof.

Amend by inserting in the third line of section one, after the word "printed," the words "and bound by the State Printer."

Strike out section two and insert the following:

SEC. 2. A committee, to consist of one from the Senate, and one from the House, shall be elected by the respective Houses to remain at the capital and superintend the publication of the Revised Statutes, whose duty shall be as follows: To read and compare the proof sheets with the enrolled bills; to prepare marginal notes; to prepare and cause to be published with the Revised Code, reference notes of all decisions of the Supreme Court, applicable to such statutes, and reference notes indicating a conflict of statutes, when any exists; to arrange the statutes for publication, disposing in separate volumes, the local laws, code of practice, and the revised laws; to prepare a full and copious index to each volume, and to the laws required to be published in pamphlet form.

SEC. 3. Said committee shall receive the same compensation for their services as for services as members, to be paid on the certificate of the chairman, and shall not have power to employ a clerk.

On motion by Mr. Hester,

The bill was read a third time; when,

Mr. Mickle moved to strike Adams county out of the 4th section. Which was unanimously agreed to.

Mr. Emerson moved to add the following section:

Inasmuch as a portion of the duties prescribed by this act must be performed before the publication of the laws, an emergency is declared to exist for the immediate taking effect of this act, it is therefore declared that the same shall take effect and be in force from and after its passage.

Which amendment was unanimously adopted.

The question being, shall the bill pass?

It was decided in the affirmative. Ayes 29; noes 5.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Athon, Berry, Brugh, Cravens, Delevan, Eddy, Emerson, Henton, Hester, Hickman, Holloway, Hunt, Kinnard, Knowlton, Longshore, Mickle, Miller, Milliken, Newland, Niblack, Odell, Slack, Sleeth, Teegarden, Turman, Walker, and Washburn.

*Those who voted in the negative were,*

Senators Hanna, Logan, Scobey, Winstandley, and Witherow.

Mr. Holloway presented a petition from citizens of Wayne county, on the subject of temperance;

Which,

On his motion,

Was laid on the table.

Mr. Cravens, from the committee on Enrolled bills, submitted the following report:

MR. PRESIDENT:

The committee on Enrolled Bills, to whom was referred Senate bills No. 118, 142 and 164, have examined and compared the same and find them correctly enrolled.

The following message was received from the House of Representatives, by Mr. Sites, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the Speaker has signed the following enrolled bills of the Senate:

Nos. 142, 118 and 164;

Which I am directed to bring to the Senate for the signature of the President thereof.

Also, the following message:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has concurred in the engrossed amendments of the Senate to House bills

No. 256. "An act to provide for township elections;"

No. 287. "An act for the protection of sheep;"

No. 285. "A bill providing for the election or appointment of supervisors of highways, and prescribing certain of their duties, and those of county and township officers in relation thereto;"

No. 283. "An act regulating the fees of officers."

Also, the following message:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill of the Senate:

No. 195. "A bill to provide that purchasers of real estate forfeited to the sinking fund," &c.,

Without amendment.

On motion by Mr. Cravens,  
The Senate adjourned.



2 o'clock, P. M.

The Senate met.

Mr. Niblack asked leave of absence for Mr. Miller from and after Thursday next;

Which was granted.

Mr. Hester offered the following resolutions:

*Resolved*, That the thanks are eminently due, and are hereby tendered Hon. S. S. Mickle, President of the Senate *pro tem.*, for the able, impartial and dignified manner in which he has discharged his duties as the presiding officer of this body, and that the general satisfaction he has given, is but a partial tribute of respect for his acceptance, prompt and efficient discharge of the trusts so often during the present session confided to him.

Which was unanimously adopted.

Mr. Hanna offered the following resolution:

*Resolved*, That the thanks of the Senate are due, and are hereby tendered to the Hons. Jas. Scott Hester and Norman Eddy, for the able manner in which they have discharged the duties devolved upon them as members of the joint committee selected to revise our statutes.

Which was unanimously adopted.

When,

Mr. Hester submitted the following remarks:

MR. PRESIDENT AND SENATORS:

Our association as a co-ordinate branch of the Legislature will shortly terminate. Many of us will never meet again, but I trust we will ever cherish a remembrance of the moments we have spent together in this capital. I speak for myself, but I utter the language of the heart, when I say that the hour when this body dissolves will be a sad one to me.

A young man, preceded by unfavorable reports, followed by the persecutions of the bitterest of enemies, you received me kindly and greeted me with the sweet words of consolation. When the future seemed to me but a barren waste, you bid me despair not, and whispered that magic word which, above all others, energizes while it chastens human actions—*hope!* That God who commanded to mortals, in terms as strong as human language furnishes, the practice of

that sublimest of Christian virtues, *charity*, will remember you in the hour of adversity, if the prayers of a grateful heart avail.

But I rose, sir, chiefly to present an epitome of the labors of this session, which, when its duration is compared with the important results attendant and the difficulties besetting it, has been unusually short.

A new organic law, demanding radical legislative enactment, had supplanted the one which had become antiquated and unsuited to the advances of free institutions. And while it required of us the passage of laws new in their character, it imposed such restraints upon hasty legislation as necessarily prevented the completion of the labors of the session at an earlier day. It required a new organization of our important courts, the simplification of the rules of pleading and practice in civil and criminal cases, the establishment of courts of conciliation, and the enactment of general incorporation laws. The changes it made rendered it necessary that many other laws should be revised, and the people expected that we would compile into appropriate volumes the various acts passed since the revision of 1843, and condense that revision within a reasonable compass.

That work is now completed after a session of one hundred and sixty-four legislative days. That the business of the session, demanded at our hands by the Constitution and the people, could have been finished sooner, no sane man, conversant with the difficulties embarrassing our progress, anticipated. Indeed, it is a subject of surprise, as well as congratulation, that our labors are so soon to terminate at that point when we can safely say, "It is finished." We have passed over two hundred bills and joint resolutions, several of them larger in compass than the acts of an ordinary session of the General Assembly. The work of one week alone will make a volume five times larger than all the acts of the present session of Congress, though that body has been in session forty days longer than ours.

We have made radical changes in the laws regulating all our courts and the conduct of their officers, established two new courts of conciliation and common pleas, provided for the election of all judicial officers by the people at the general election, passed new laws concerning the incorporation of banks, railroads, plank roads, cities, towns, voluntary associations, high schools, colleges and universities; and modified the jurisdiction of grand jurors, increased the amount of property from execution to three hundred dollars, prescribed new rules regulating the laws of descent and conveyance, and abolishing the tenancies of dower and courtesy, changed the practice in the settlement of decedent's estates and provided suitable forms therefor; established new and wholesome rules for the conveyance of real property, with short and convenient forms; provided codes of practice in civil and criminal cases, and appropriate forms of procedure therein; changed the manner of selecting and

empanneling traverse jurors, and compelling officers to give new bonds and additional sureties; provided for a circuit and common pleas district, prosecuting attorneys and their compensation; passed an act for the sale of the swamp lands, and for the assessment and collection of State and county revenue with many new provisions; provided a uniform system of common schools, and of a new method of township organization, and for the equalization of real property; prescribed new duties for supervisors of, and changed the old modes of laying out and vacating highways; and have made many other important changes in almost every law of a nature, such as the wants of the people clearly demanded.

Besides this, sir, we have disposed of that most troublesome and exciting of all subjects of legislation, districting the State for congressional and judicial purposes; all these had to be of a general nature, and to receive the sanction of twenty-six votes in the Senate and fifty-one in the House before they became laws.

To accomplish that end, required mutual concession; coming from various parts of the State and representing peculiar interests, much discussion necessarily intervened before compromise grounds were discovered. Then, sir, each bill had to be read three times on three several days in each House. Under the old constitution a bill, local to a particular county might have been introduced and passed through both Houses in fifteen minutes, which now would have to be committed, discussed and modified so as to conform to the views of a constitutional majority in each House, and then be six days en route through the two branches of the legislature. This necessarily occasions delay, while it prevents hasty legislation. I shall not trouble you farther with the details of the embarrassments under which we have labored, nor the amount of business which we have transacted.

In short, Senators, we have reason to congratulate ourselves and those we represent, on the happy termination of our responsible and arduous duties as members of the present General Assembly.

Let what we have done stand the test of time. We need not be ashamed of the record. It will exhibit greater results both in quantity and quality than has ever attended the labors of any legislative body in this country, during the same length of time. By it let us stand or fall.

In conclusion, Mr. President, I propose the following sentiment:

**THE MEMBERS OF THE PRESENT SENATE OF INDIANA:** May the same spirit of amity and courteous bearing which has characterized their intercourse during the present session be continued through every change in after life, and the remembrance of their deliberations ever live green in their memories.

Which remarks were,

On motion by Mr. Sleeth,

Ordered to be spread upon the journal.

The following message was received from the House of Representatives:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill of the Senate:

No. 179. An act districting the State for judicial circuits,  
With an engrossed amendment;  
In which the concurrence of the Senate is respectfully requested.

The question being on concurring in the amendment of the House,  
It was decided in the negative. Ayes 13; noes 25.

The ayes and noes were demanded by Senators Reid and Eddy.

*Those who voted in the affirmative were,*

Senators Brugh, Eddy, Henton, Hickman, Holloway, Knowlton, Longshore, Niblack, Scobey, Teegarden, Walker, Washburn, and Witherow.

*Those who voted in the negative were,*

Senators Alexander, Allen, Athon, Berry, Cravens, Delevan, Dougherty, Emerson, Hanna, Hicks, Hunt, Kinnard, Logan, Mickle, Miller, Milliken, Newland, Reid, Secrest, Slack, Sleeth, Spann, Todd, Turman; and Winstandley.

Also, the following message:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following resolution:

*Resolved,* The Senate concurring, that under the last clause of the 14th section of the 5th article of the constitution, and under the resolution of this General Assembly to adjourn on the 21st instant, no bill shall be sent to the Governor for his approval and signature after 6 o'clock on Friday evening.

In which the concurrence of the Senate is respectfully requested.  
Which was concurred in.

Also, the following message :

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof:

No. 309. An act making general appropriations for the year 1852.

In which the concurrence of the Senate is respectfully requested.

The accompanying bill was read a first time and passed to a second reading.

Also, the following message :

MR. PRESIDENT:

I am directed by the House of Representatives, to inform the Senate that the House has passed the following engrossed bill of the Senate, No. 105, "An act regulating the vending of spirituous liquors," with an engrossed amendment,

In which the concurrence of the Senate is respectfully requested.

Mr. Emerson moved to concur in the amendment of the House with the following amendment :

Strike out after the first section, and insert the following :

"The qualified voters of the several townships of the several counties in this State, at their annual April elections, may vote for or against the granting of license to retail spirituous liquors in the township where such voters reside.

SEC. 2. That for the purpose of carrying out the objects in the first section of this act specified, each voter at such April election, may endorse upon his ticket the word "License," or the words "No License."

SEC. 3. The officers of elections shall forthwith certify in writing under their hands, to the clerk of the board of trustees of the proper township the number of votes given for, and the number given against, such license to retail spirituous liquors, and such clerk shall lay the same before such board of Trustees, at their next succeeding meeting.

SEC. 4. If a majority of the votes given as aforesaid, shall have been given in favor of granting license as aforesaid, such license shall be granted by the board of trustees of the proper township, to any person applying therefor, upon the payment of not less than five nor more than fifty dollars, to be fixed by such board of trustees. But no license shall extend beyond the first regular meeting of such board held after the next April election.

SEC. 5. If a majority of the votes given as provided in this act shall have been given against license as aforesaid, it shall be unlawful for any person to retail spirituous liquors in any quantity less than one quart at a time; and no license or permit to retail spirituous liquors in such township shall be granted for one year next succeeding such election.

Mr. Scobey moved to lay the amendment to the amendment on the table.

Mr. Emerson moved to amend the motion so as to lay the amendment of the House on the table also.

Which motion prevailed.

The motion, as amended, prevailed.

Also, the following message was received from the House of Representatives by Mr. Sites their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill of the Senate:

No. 140. A bill providing for the election, prescribing the duties, and fixing the compensation of State Agent.

Without amendment.

Also, the following message from the House of Representatives by Mr. Sites, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the Speaker has signed the following enrolled bills thereof:

Nos. 94, 291 and 301.

Which I am directed to bring to the Senate for the signature of the President thereof.

Whereupon the President signed the same.

Mr. Milliken, from the committee on Temperance, submitted the following report:

MR. PRESIDENT:

The committee on Temperance, to whom was referred sundry temperance memorials, asking for the passage of a law similar to the Maine liquor law, have had the subject under consideration, and have directed me to report that, in the opinion of the committee, it would be a waste of time to introduce a bill in accordance with the prayer

of the petitioners, as the Senate has decided, by a large majority against such an enactment.

Your committee, however, feel it a duty they owe to the public to state that, in their opinion, no law is more loudly called for by the voice of the people, the necessities of the case, and the beneficial effects it would produce, than a stringent law for the suppression of tippling-houses. The blighting and demoralizing influences of dram-shops are not alone felt and endured in the humble circles of society, but have entered the highest ranks, and prostrated the gifted. Many who have filled high places in the State and nation have fallen by strong drink. Its degrading and demoralizing influence is felt in every section of the State, and among all classes, from the highest to the lowest. It has brutalized the husband and father so as to render him an object of terror, instead of love and support to his helpless and dependent family. It has crushed its thousands, and is, and has been continually, a dead and grievous weight upon the happiness, prosperity and intelligence of the State. Then, in view of this great evil, is it to be wondered at that the people are waking up on this subject, and are pouring in upon us their petitions by the tens of thousands for redress—for even the Maine law.

This law has been enacted by three States, and one Territory, to-wit: Maine, Massachusetts, Rhode Island, and Minnesota; but it has only been tried by the test of experience in Maine. From this State we have the most cheering accounts of its salutary operations, from undoubted sources. Your committee cannot refrain from referring to some of the statistics on this subject. In Bangor, the commitments to jail for drunkenness and assaults have fallen off about 60 per cent. Commitments to the watch-house have fallen off about two-thirds, and the expense thereof nearly three-fourths; and the quantity of liquor consumed is only one-fourth as much as it was before the passage of the Maine liquor law. The state of the streets and city generally, as it regards drunkenness, according to the City Marshal's statement, is improved 75 per cent. The application for aid to the overseers of the poor has decreased one-half, and four or five hundred dollars has been added to the poll tax of the city in the past year. The report of the superintendent of the pauper establishment of the city shows that the out-door expenses have been diminished 50 per cent. since the passage of the liquor law, and the expenses of the almshouse, resulting from intemperance, have been diminished 97 per cent. The cost of support of common drunkards in the house of correction, in Penobscot county, has been reduced 72½ per cent. since the passage of this law.

We might multiply statistics of the salutary operation of this law, but it would swell this report to a greater length than is desirable. Enough has been produced to show the incalculable benefits of the Maine liquor law.

The opponents of this law have attempted to make the impression that it is unpopular in Maine, but the recent election in that State

silences this rumor. Ninety-nine towns elected full Maine law boards, seven were divided, and thirty went against the law.

Your committee cannot close this report without expressing their firm convictions that the prayer of the petitioners ought to be granted, and that dram-shops will never be suppressed without stringent law against vending intoxicating liquors.

The petitions are herewith returned to the Senate, with the recommendation that they be deposited in the box procured for that purpose.

The committee ask to be discharged from the further consideration of the subject.

JAS. P. MILLIKEN,  
Chairman.

Mr. Berry moved that the report lie on the table, that the committee be discharged from the further consideration of the subject, and that the petitions be disposed of as recommended by the committee;

Which motion prevailed.

Mr. Slack, from a select committee, submitted the following report:

MR. PRESIDENT:

The select committee to whom was referred joint resolution of the House No. 34, have had the same under consideration, and have requested me to report the same back, with the following amendment:

At the conclusion of said resolution, add the following:

"Also, an act, providing for a uniform system of common schools, approved the — day of —, 1852."

When so amended, they recommend the passage of the joint resolution.

Which was concurred in.

The question being, shall the joint resolution pass?

It was decided in the affirmative. Ayes 26; noes 10.

*Those who voted in the affirmative were,*

Senators Allen, Athon, Brugh, Cravens, Davis, Delevan, Dougherty, Eddy, Henton, Hester, Hicks, Knowlton, Longshore, Mickle, Miller, Milliken, Newland, Niblack, Odell, Secrest, Slack, Spann, Todd, Turman, Walker, and Washburn.

*Those who voted in the negative were,*

Senators Berry, Emerson, Hanna, Hickman, Holloway, Hunt, Kendall, Teegarden, Winstandley, and Witherow.



Mr. Hester, from a select committee, submitted the following report:

MR. PRESIDENT:

The committee on Revision, to whom was referred House bill No. 243, have had the same under consideration and have directed me to report it back with one amendment, and recommend its passage; and they ask to be discharged from the further consideration thereof.

Amend by striking out of the 2d line of the 3d specification, all after the word "bridges," and insert the words "State and county roads, unless otherwise expressly provided."

The amendment was concurred in;

And the question being, shall the bill pass?

It was decided in the affirmative. Ayes 27; noes 11.

*Those who voted in the affirmative were,*

Senators Allen, Athon, Berry, Brugh, Cravens, Davis, Delevan, Eddy, Henton, Hester, Hunt, Kendall, Knowlton, Longshore, Mickle, Miller, Milliken, Newland, Odell, Secrest, Slack, Sleeth, Todd, Turman, Walker, Washburn, and Winstandley.

*Those who voted in the negative were,*

Senators Dougherty, Emerson, Hanna, Hickman, Hicks, Holloway, Logan, Scobey, Spann, Teegarden, and Witherow.

Message from the House of Representatives, by Mr. Sites, their Clerk:

MR. PRESIDENT:

I am directed by the House to inform the Senate that the House has passed the following engrossed bill thereof:

No. 314. "A bill relative to the taxation of land in towns and cities."

In which the concurrence of the Senate is respectfully requested.

The accompanying bill was read a first time and passed to a second reading.

Also the following message:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill of the Senate:

No. 151, A bill providing for the government of the State, Uni-

versity, and the management of its funds, and for the disposition of the lands thereof; with one amendment,

In which the concurrence of the Senate is respectfully requested.  
The amendment was concurred in.

On motion by Mr. Emerson,

House bill No. 298, a bill in relation to applying certain funds therein named to the payment of the State debt,

Was taken up.

On motion by Mr. Eddy,

A call of the Senate was ordered.

Senators Dawson, Marshall, and Saffer, were absent.

On motion,

The call was dispensed with.

The question being, shall the bill pass?

It was decided in the affirmative. Ayes 29; noes 13.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Athon, Berry, Brugh, Cravens, Davis, Delevan, Dougherty, Eddy, Emerson, Hanna, Henton, Hester, Kinnard, Knowlton, Longshore, Mickle, Milliken, Newland, Niblack, Odell, Secrest, Slack, Sleeth, Todd, Turman, Walker, and Washburn.

*Those who voted in the negative were,*

Senators Hickman, Hicks, Holloway, Hunt, Kendall, Miller, Reid, Scobey, Spann, Teegarden, Winstandley and Witherow.

Mr. Niblack moved to take up House bill No. 300,

Which was not agreed to.

Mr. Odell, from a select committee, submitted the following report:

MR. PRESIDENT:

The select committee to whom was referred House bill No. 278, have considered the same and report it back with one amendment, upon the adoption of which, they recommend its passage.

Amend by striking out the 3d. section.

The amendment was concurred in; and,

The question being, shall the bill pass?

It was decided in the affirmative. Ayes 29; noes 8.

*Those who voted in the affirmative were,*

Senators Allen, Athon, Delevan, Dougherty, Eddy, Hanna, Henton, Hester, Hicks, Holloway, Kendall, Kinnard, Knowlton Longshore, Mickle, Miller, Milliken, Newland, Niblack, Odell, Scobey Secrest, Teegarden, Todd, Turman, Walker, Washburn, Winstandley, and Witherow.

*Those who voted in the negative were,*

Senators Berry, Cravens, Davis, Emerson, Hickman, Hunt, Logan, Slack, and Sleeth.

Mr. Odell moved to amend the title by inserting the word "and" after the word "stock" in the 2nd line, and striking out all after the word "directors" in the 3d line.

Which was agreed to.

On motion,

House bill No. 300. A bill touching the salaries of officers, and prescribing the manner in which the same shall be paid;

Was taken up.

The question being, shall the bill pass?

It was decided in the negative. Ayes 15; noes 22.

*Those who voted in the affirmative were,*

Senators Allen, Athon, Brugh, Emerson, Hester, Hicks, Kinnard, Longshore, Newland, Niblack, Slack, Sleeth, Spann, Todd, and Winstandley.

*Those who voted in the negative were,*

Senators Berry, Cravens, Delevan, Dougherty, Eddy, Hanna, Henton, Hickman, Holloway, Hunt, Kendall, Knowlton, Logan, Mickle, Miller, Milliken, Odell, Scobey, Secrest, Teegarden, Washburn, and Witherow.

Message from the House of Representatives, by Mr. Sites, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof:

No. 308. An act making specific appropriations for the year 1852.

In which the concurrence of the Senate is respectfully requested.

The accompanying bill was read the first time and passed to a second reading.

Mr. Hickman, from the committee on Enrolled bills, submitted the following report:

MR. PRESIDENT:

The committee on Enrolled Bills have examined bills numbered 180, 191, 197, 167 and 116, and find them correctly enrolled.

On motion by Mr. Hunt,  
The Senate adjourned.

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TUESDAY MORNING, }  
June 15th, 1852. }

The Senate met.

The journal of yesterday was read.

Mr. Emerson moved to suspend the order of business.

Which motion prevailed.

When,

On motion,

The following message from the House was taken up:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has insisted on its engrossed amendment to Senate bill No. 179, "an act districting the State for judicial purposes," and has appointed Messrs. Stover and Lindsay of Howard, a committee of free conference on the part of the House to act with a similar committee on the part of the Senate.

In which the concurrence of the Senate is respectfully requested.

Mr. Reid moved that the Senate insist on their disagreement.  
Which motion prevailed, when,  
Senators Berry and Hanna were appointed a committee of free conference on the part of the Senate.

Also the following message was received from the House of Representatives, by Mr. Sites their clerk;

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has refused to concur in the engrossed amendment of the Senate to bill of the House No. 298, "a bill relative to applying certain funds therein named to the payment of the public debt, and has appointed Messrs. Nelson and Stover a committee of conference, to act with a similar committee on the part of the Senate. In which the concurrence of the Senate is respectfully requested.

Mr. Eddy moved that the Senate insist on their amendment:  
Which motion prevailed; when  
Senators Eddy and Emerson were appointed a committee of free conference.

Also, the following message:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has concurred in the engrossed amendments of the Senate to bill of the House No. 248, "an act in relation to the construction of statutes, and the definition of terms therein," with one engrossed amendment.

In which the concurrence of the Senate is respectfully requested.

The amendments of the House were concurred in.

The President laid before the Senate the following communication:

EXECUTIVE DEPARTMENT, }  
INDIANAPOLIS, June 14, 1852. }

HON. S. S. MICKLE,  
*President of the Senate:*

SIR:—You will please lay the within communication of J. P. Noble before the Senate, and oblige

Yours respectfully,

JOSEPH A. WRIGHT.

*To the General Assembly of the State of Indiana :*

Your memorialist respectfully submits that he is the holder of six \$1,000 Indiana 5 per cent. State Stock; and that he has not received payment of the coupons thereof subsequent to January, 1841; that your memorialist has been informed that an act was passed in the year 1847, purporting to deal equitably with the creditors of the State; that your memorialist, being the holder of six \$1,000 bonds, secured not only on the Wabash and Erie Canal, but to which the faith of the State of Indiana is irrevocably pledged to the fulfilment of the conditions thereof, as expressed in the bonds.

Your memorialist is at a loss to conceive how he can be equitably dealt with, if required to surrender his \$6,000 bonds, secured on the joint security of the State and the Wabash and Erie Canal, for new bonds of \$3,000 on the security of the State and \$3,000 on the security of Erie and Wabash Canal; and your memorialist, relying on the honor and integrity of the State of Indiana, begs leave to call the attention of the General Assembly to his case, and to be graciously pleased to give that redress that he may be found, on consideration, to be entitled to; and your memorialist respectfully subscribes himself,

JNO. P. NOBLE,

*25, Regent Square, London, England.*

Dec., 1851.

Which,

On motion by Mr. Winstandley,  
Was laid on the table.

#### ORDERS OF THE DAY.

#### *Bills on their third reading.*

House bill No. 316. A bill amendatory of the charter of the town of Clarksville, in Clark and Floyd counties:

Was read a third time; and,

The question being, shall the bill pass?

It was decided in the affirmative—ayes 36, noes 0.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Athon, Berry, Brugh, Davis, Delevan, Dougherty, Eddy, Emerson, Hanna, Henton, Hester, Hickman, Hicks, Holloway, Hunt, Kinnard, Knowlton, Logan, Longshore, Mickle, Miller, Milliken, Newland, Niblack, Odell, Scobey, Secrest, Slack, Spann, Todd, Turman, Walker, Washburn, Winstandley and Witherow.

House bill No. 289. A bill regulating ware houses and the keepers thereof, and for the protection of persons depositing produce, goods, wares and merchandise therein;

Was read a third time.

And the question being, shall the bill pass?

It was decided in the negative. Ayes 18; noes 20.

*Those who voted in the affirmative were,*

Senators Alexander, Athon, Berry, Brugh, Delevan, Eddy, Hanna, Hickman, Hunt, Longshore, Mickle, Milliken, Scobey, Slack, Sleeth, Teegarden, Todd, and Turman.

*Those who voted in the negative were,*

Senators Allen, Davis, Dougherty, Emerson, Henton, Hicks, Holloway, Kinnard, Knowlton, Logan, Newland, Niblack, Odell, Reid, Secrest, Spann, Walker, Washburn, Winstandley, and Witherow.

#### HOUSE BILLS ON THEIR SECOND READING.

House bill No. 312. A bill supplemental to an act entitled "An act to establish courts of common pleas, and defining the jurisdiction and duties, and providing compensation for the judges thereof;

Was read a second time; when

Mr. Turman moved to add the following section:

SEC. —. That the counties of Parke, Vermillion and Fountain, shall constitute a district for the election of a judge of the court of common pleas.

Which was agreed to.

Mr. Hester moved to add the following section:

That the counties of Johnson, Morgan, Monroe and Brown, constitute a district.

Mr. Secrest moved to indefinitely postpone the bill and pending amendment;

Which was decided in the affirmative. Ayes 23; noes 16.

The ayes and noes were demanded by Senators Eddy and Scobey.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Athon, Berry, Brugh, Cravens, Delevan, Dougherty, Eddy, Henton, Hicks, Kinnard, Mickle, Newland, Niblack, Odell, Scobey, Secrest, Sleeth, Spann, Todd, Walker, and Witherow.

*Those who voted in the negative were,*

Senators Davis, Emerson, Hanna, Hickman, Holloway, Hunt, Knowlton, Logan, Longshore, Milliken, Reid, Slack, Teegarden, Turman, Washburn, and Winstandley.

On motion by Mr. Emerson,  
The order of business was suspended.

Mr. Emerson moved to reconsider the vote appointing a committee of Free Conference on House bill No. 124.

Which was agreed to.

Mr. Emerson moved to reconsider the vote refusing to concur in the amendment of the House;

Which was agreed to.

Mr. Emerson moved to concur;

Which motion prevailed.

Mr. Eddy, from the committee on Corporations, submitted the following report:

MR. PRESIDENT:

The committee on Corporations, to whom was referred House bill No. 247, entitled "An act respecting foreign corporations, and their agents in this State," have considered the same, and directed me to report it back without amendment, and recommend its passage.

Mr. Eddy moved that the bill be read a third time now?

Which was agreed to.

The bill was read a third time;

And the question being, shall the bill pass?

It was decided in the affirmative. Ayes 32; noes 5.

*Those who voted in the affirmative were,*

Senators Allen, Athon, Berry, Brugh, Davis, Delevan, Dougherty, Eddy, Emerson, Henton, Hester, Hickman, Hicks, Hunt, Kinnard, Knowlton, Logan, Longshore, Mickle, Miller, Newland, Niblack, Scobey, Secrest, Slack, Sleeth, Spann, Todd, Turman, Walker, Washburn and Witherow.

*Those who voted in the negative were,*

Senators Alexander, Holloway, Milliken, Odell, and Teegarden.

Senate bill No. 202. A bill to provide for the settlement of claims against the State;

Was read a second time and ordered to be engrossed.



On motion by Mr. Hunt,  
The order of business was suspended; whereupon  
Mr. Hunt offered the following resolution:

*Resolved*, That the table of distances specified in the journals of the Constitutional Convention for the mileage of members, shall be the rule governing the mileage of members of the Senate of the present session.

Which was decided in the affirmative. Ayes 33; noes 5.

The ayes and noes were demanded by Senators Emerson and Scobey.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Athon, Berry, Brugh, Cravens, Davis, Delevan, Eddy, Emerson, Hanna, Henton, Hicks, Holloway, Hunt, Kendall, Kinnard, Knowlton, Logan, Longshore, Mickle, Milliken, Newland, Odell, Reid, Secrest, Slack, Sleeth, Spann, Teegarden, Todd, Turman, and Washburn.

*Those who voted in the negative were,*

Senators Dougherty, Hickman, Niblack, Scobey, and Witherow.

The order of business was resumed.

House bill No. 309. A bill making general appropriations for the year 1852;

Was read a second time, and ordered to be engrossed for a third reading.

House bill No. 315. A bill to provide for the appointment of trustees in the civil townships of this State.

Was read a second time, when

Mr. Berry moved to refer the bill to a select committee.

Which was agreed to.

Senators Berry, Eddy and Hicks were appointed said committee.

House bill No. 308. A bill making specific appropriations for the year 1852;

Was read a second time, when,

Mr. Hanna moved to strike out the word "three" and insert the word "four" in section 2.

Which was decided in the negative. Ayes 16; noes 18.

The ayes and noes were demanded by Senators Holloway and Emerson.

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*Those who voted in the affirmative were,*

Senators Allen, Athon, Cravens, Davis, Eddy, Emerson, Hanna, Hester, Longshore, Niblack, Reid, Secrest, Todd, Turman, Walker, and Winstandley.

*Those who voted in the negative were,*

Senators Berry, Delevan, Henton, Hickman, Hicks, Holloway, Kinnard, Knowlton, Logan, Mickle, Milliken, Newland, Scobey, Slack, Sleeth, Teegarden, Washburn, and Witherow.

Mr. Hester moved to strike out "three" and insert "three dollars and fifty cents" in the 2d section.

Which was decided in the negative. Ayes 16; noes 21.

The ayes and noes were demanded by Senators Odell and Scobey.

*Those who voted in the affirmative were,*

Senators Allen, Athon, Davis, Eddy, Emerson, Hanna, Hester, Longshore, Niblack, Reid, Secrest, Spann, Todd, Turman, Walker, and Winstandley.

*Those who voted in the negative were,*

Senators Berry, Delevan, Dougherty, Henton, Hickman, Hicks, Holloway, Kinnard, Knowlton, Logan, Mickle, Miller, Milliken, Newland, Odell, Scobey, Slack, Sleeth, Teegarden, Washburn, and Witherow.

Mr. Secrest moved to strike out of the 8th section the words, "to the Senate committed on constitutional question."

Which was adopted.

Mr. Spann moved to reconsider the vote just taken.

Which was agreed to.

The question then being, will the Senate adopt the amendment?

When,

The amendment was withdrawn.

Mr. Milliken moved to strike out all of the 8th section except that part certified by the House committee on corporations.

Which was agreed to.

Mr. Emerson moved to strike out section 63.

Which was agreed to.

Mr. Winstandley moved to amend section 65 by adding seven dollars and 65 cents to Ross & Ray for stationery.

Which was agreed to.

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Mr. Hester moved to add the following to Sec. 71. To J. D. De-frees, the sum of thirty-three dollars and seventy-five cents (\$33,75) for 1125 copies of the daily State Journal furnished the Senate from June 16th to June 21st, 1852 inclusive, also the sum of forty-seven dollars and forty cents, (\$47,40) for 1580 copies of the daily State Journal, furnished the House of Representatives from June 16th, to June 21st, 1852, also the sum of twenty-four dollars and thirty-six cents, for 812 copies from March 11th, to April 21st, 1852, inclusive for the committee on Revision.

That Harkness and Elder, and Julius Boetticher be allowed for their respective papers, from the 15th to the 21st inst.

Mr. Hester moved to add the following:

To Austin H. Brown the sum of thirty-three dollars and seventy-five cents, (\$33,75) for 1125 copies of the daily State Sentinel, furnished the Senate from June 16th to June 21st, 1852 inclusive. Also the sum of forty-seven dollars and fifty cents for 1580 copies of the daily State Sentinel furnished the House of Representatives from June 16th to June 21st, 1852, inclusive. Also, the sum of twenty-four dollars and thirty-six cents for 812 copies of the daily State Sentinel furnished committee on Revision, from March 11th, to April 19th 1852, inclusive. And that Ellis and Spann, be allowed for 540 papers of the 16th inst., furnished the members of both Houses for distribution, at 5 cts. per copy—\$27,00.

Which was agreed to.

Mr. Winstandley moved to amend section 75 so as to allow clerks to the committee on Revision \$4 per day.

Which was agreed to—ayes 22, noes 17.

The ayes and noes were demanded by Senators Sleeth and Scobey.

*Those who voted in the affirmative were,*

Senators Allen, Athon, Cravens, Dougherty, Eddy, Emerson, Hester, Hunt, Kendall, Logan, Miller, Newland, Niblack, Secrest, Slack, Spann, Teegarden, Todd, Turman, Walker, Washburn, and Winstandley.

*Those who voted in the negative were,*

Senators Berry, Brugh, Delevan, Hanna, Henton, Hickman, Hicks, Holloway, Kinnard, Knowlton, Mickle, Milliken, Odell, Reid, Scobey, Sleeth, and Witherow.

Mr. Secrest moved to amend section 10, so as to read John Y. instead of John S. Bryant.

Which was agreed to.

Mr. Milliken moved to reconsider the vote striking out a part of section 8.

Which was agreed to.

The question then was, will the Senate adopt the amendment?

When it was withdrawn.

Mr. Hanna offered the following amendment:

Strike out section 84.

Which was agreed to.

Mr. Winsteadley offered the following additional sections:

SEC. —. That Amos Ross of Dearborn county be allowed twenty-five dollars for conveying prisoners to the State Prison.

SEC. —. That Wm. Ray of Clark county, be allowed twenty-five dollars for arresting fugitives from justice.

Which were adopted.

Mr. Winsteadley offered the following additional section:

SEC. —. That A. and J. C. S. Harrison be allowed three dollars and thirty cents for black crape furnished for the use of the Senate.

Which was adopted.

Mr. Winsteadley offered the following additional section:

SEC. —. That the Indianapolis Gas Light and Coke company be allowed fifty-nine dollars and fifty cents, the amount of their bill against the State for gas light up to June 10th, 1852.

Which was adopted.

Mr. Winsteadley moved to add the following additional sections:

SEC. —. That the widow of the Honorable Henry Hostetter, deceased, be allowed thirty dollars, the per diem of said Hostetter, from the time of his death until his successor took his seat.

SEC. —. That E. W. Neff be allowed four dollars for engraving the seal of the clerk of the House of Representatives, and repairing the clock in the Senate chamber.

Which were agreed to.

Mr. Winsteadley moved to add the following section:

SEC. —. That Joseph Gray, former Treasurer of Sullivan county, be allowed the sum of three hundred and sixty-two dollars and seventy-five cents, the amount by him overpaid into the State Treasury for the year 1849.

Which motion prevailed.

Mr. Logan moved to amend in the proper place, by allowing John Phillips, one hundred dollars for arresting William Rumley, who had been placed in the jail of Rush county, on a charge of murder, and broke jail and was arrested in Delaware or Allen county, by said Phillips, and brought back and placed in said jail.

Which motion did not prevail.

Mr. Milliken moved to reconsider the vote refusing to raise the allowance from "three" to "four" dollars, in sec. 2.

Which was not agreed to.

Mr. Scobey moved to strike out section 15.

Mr. Sleeth moved to lay the amendment on the table ;  
Which motion prevailed.

Mr. Emerson moved to

Strike out section 83, and insert the following :

That the Secretary of State be allowed pay for eight clerks for fifteen days, at the rate of three dollars per day for each clerk, for extra allowance for enrolling the acts of the General Assembly.

Which was agreed to.

The amendments were ordered to be engrossed, and the bill ordered to a third reading.

The following message was received from the House of Representatives, by Mr. Sites, their Clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof :

No. 317. A bill to appropriate unappropriated Michigan road land funds to school purposes.

In which the concurrence of the Senate is respectfully requested.

The accompanying bill was read a first time and passed to a second reading.

Mr. Hester, from the committee on Revision, submitted the following report :

MR. PRESIDENT :

The select committee on Revision, to whom was referred Senate bill No. 201, have had the same under consideration, and have directed me to report it back and recommend it to be laid on the table, and they ask to be discharged from the further consideration thereof.

Which was concurred in.

Message from the House of Representatives, by Mr. Sites, their Clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill of the Senate :

No. 198. A bill supplemental to an act entitled "An act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State," &c.

Without amendment.

Also, the following message was received from the House of Representatives, by Mr. Sites their Clerk:

**MR. PRESIDENT:**

I am directed by the House to inform the Senate that the House has concurred in the engrossed amendment of the Senate to bill of the House No. 210, "an act regarding estrays and articles adrift."

Also, the following message from the House of Representatives:

**MR. PRESIDENT:**

I am directed by the House of Representatives to inform the Senate that the House has receded from its disagreement to the 2d engrossed amendment of the Senate to bill of the House No. 45, entitled "An act to enforce the thirteenth article of the Constitution."

Message from the Governor, by Mr. King, his private secretary:

**MR. PRESIDENT:**

I am directed by the Governor to inform the Senate that he has approved and signed the following bills, to-wit:

No. 118. An act defining misdemeanors, and prescribing punishment therefor.

No. 142. An act to organize the militia, providing for the appointment, and prescribing the duties of certain officers thereof.

No. 164. An act to provide for the government and support of the institution for the education of the deaf and dumb.

Which bills originated in the Senate.

On motion by Mr. Holloway,  
The Senate adjourned.

2 o'clock, P. M.

The Senate met.

On motion by Mr. Scobey,

A call of the Senate was ordered.

Senators Allen, Athon, Brugh, Davis Dawson, Dougherty, Henton, Hunt, Kendall, Longshore and Turman, were absent.

On motion by Mr. Slack,

The further call was dispensed with.

Mr. Cravens moved to reconsider the vote on the passage of House bill No. 300, "A bill relative to the salaries of public officers."

Which was agreed to.

Mr. Cravens moved to reconsider the vote fixing the salary of the superintendent of the asylum for the insane, at twelve hundred dollars per year.

Which was not agreed to.

The question being, shall the bill pass?

It failed for want of a constitutional majority. Ayes 23; noes 18.

*Those who voted in the affirmative were,*

Senators Allen, Athon, Brugh, Cravens, Delevan, Dougherty, Emerson, Henton, Hester, Hicks, Kinnard, Longshore, Marshall, Mickle, Newland, Niblack, Saffer, Slack, Sleeth, Spann, Todd, Washburn, and Winstandley.

*Those who voted in the negative were,*

Senators Alexander, Berry, Eddy, Hanna, Hickman, Holloway, Hunt, Kendall, Logan, Miller, Milliken, Odell, Scobey, Secrest, Teegarden, Turman, Walker, and Witherow.

Message from the House of Representatives, by Mr. Sites, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has concurred in the amendments of the Senate to bill of the House No. 85, "A bill regulating the time of holding courts in the 12th judicial circuit," with an engrossed amendment.

In which the concurrence of the Senate is respectfully requested.

The amendment was concurred in.

Also, the following message:

MR. PRESIDENT:

I am directed by the House to inform the Senate that the House has concurred in the 1st, 4th and 5th engrossed amendments of the Senate to House bill No. 294, "An act in relation to the printing and the distribution of the Revised Statutes, and the Code of Civil and Criminal Practice," and refuse to concur in the 2d and 3d engrossed amendments thereto.

In which the concurrence of the Senate is respectfully requested.

Mr. Emerson moved that the Senate refuse to concur in the engrossed amendment of the House to the engrossed amendments of the Senate;

Which was agreed to.

Mr. Emerson moved to appoint a committee of Free Conference.

Which motion prevailed.

Senators Emerson and Hester were appointed said committee.

Also, the following message:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof:

No. 72, an act for the incorporation of county libraries ;

In which the concurrence of the Senate is respectfully requested.

The accompanying bill was read a first time and passed to a second reading.

Also, the following message:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has concurred in the report of the committee of Free Conference on the disagreement of the two Houses to engrossed amendments of the House to Senate bill No. 129, "a bill providing for the election, and prescribing certain duties of county surveyors."

In which the concurrence of the Senate is respectfully requested.

Which was concurred in.

On motion by Mr. Niblack,

The vote on the passage of House bill No. 289, a bill regulating warehouses and the keepers thereof, was reconsidered.

On motion by Mr. Teegarden,

A call of the Senate was ordered.

Senator Dawson was absent.

On motion by Mr. Teegarden,

The further call was dispensed with.

The question then being, shall House bill No. 289—a bill regulating warehouses, and the keepers thereof, and for the protection of persons depositing produce, goods, wares and merchandize therein—pass?

On motion by Mr. Reid,

The bill was recommitted to a select committee with the following instructions:

Amend section 4 by inserting at the end thereof:

*Provided*, That in all cases it shall be left to the sound discretion



of the court or jury trying the cause to substitute instead of confinement in the State Prison, confinement in the county jail for any determinate period not exceeding twelve months.

Which motion prevailed.

Senators Reid, Eddy and Teegarden were appointed said committee.

Mr. Niblack moved to take from the table Senate bill No. 103, a bill to repeal all laws licensing the retail of spirituous liquors, and affixing a penalty against the sale of such liquors to an habitual drunkard, or a person in a state of intoxication, or to a minor.

Which motion prevailed.

The question then was, will the Senate adopt the pending amendment proposed on yesterday?

When

Mr. Scobey moved to lay the amendment on the table;

Which motion was decided in the negative. Ayes 19; noes 25.

The ayes and noes were demanded by Senators Emerson and Teegarden.

*Those who voted in the affirmative were,*

Senators Delevan, Dougherty, Henton, Holloway, Kendall, Kinnard, Knowlton, Marshall, Mickle, Milliken, Odell, Reid, Saffer, Scobey, Secrest, Sleeth, Teegarden, Washburn, and Witherow.

*Those who voted in the negative were,*

Senators Alexander, Allen, Athon, Berry, Brugh, Cravens, Davis, Eddy, Emerson, Hanna, Hester, Hickman, Hicks, Hunt, Logan, Longshore, Miller, Newland, Niblack, Slack, Spann, Todd, Turman, Walker, and Winstandley.

The question then being, shall the amendment be adopted?

It was decided in the affirmative. Ayes 21; noes 20.

The ayes and noes were demanded by Senators Emerson and Milliken.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Athon, Berry, Brugh, Cravens, Davis, Emerson, Hickman, Logan, Longshore, Miller, Newland, Niblack, Slack, Sleeth, Spann, Todd, Walker, Washburn, and Winstandley.

*Those who voted in the negative were,*

Senators Delevan, Dougherty, Eddy, Hanna, Henton, Hicks, Holloway, Kinnard, Knowlton, Marshall, Mickle, Milliken, Odell, Reid, Saffer, Scobey, Secrest, Teegarden, Turman, and Witherow.

Mr. Reid, from a select committee, submitted the following report:

MR. PRESIDENT:

The select committee to whom was referred bill of the House No. 289, have had the same under consideration, and have instructed me to report the same back, with the following amendment, and when adopted, to recommend its passage.

Amend section 4 by inserting at the end thereof:

*Provided*, That in all cases, it shall be left to the sound discretion of the court or jury trying the cause, to substitute, instead of confinement in the State Prison, confinement in the county jail for any determinate period not exceeding twelve months.

The amendment of the committee was concurred in.

And the question being shall the bill pass?

It was decided in the affirmative. Ayes 28; noes 13.

*Those who voted in the affirmative were,*

Senators Alexander, Athon, Berry, Brugh, Cravens, Delevan, Eddy, Henton, Hickman, Hicks, Kinnard, Knowlton, Longshore, Mickle, Miller, Milliken, Niblack, Odell, Reid, Saffer, Scobey, Slack, Sleeth, Spann, Teegarden, Todd, Turman and Winstandley.

*Those who voted in the negative were,*

Senators Allen, Davis, Dougherty, Emerson, Hanna, Holloway, Logan, Marshall, Newland, Secrest, Walker, Washburn, and With-  
erow.

The following message was received from the House by Mr. Sites, their Clerk :

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill of the Senate :

No. 165. A bill supplemental to an act to provide for the incorporation of railroad companies ;

With one engrossed amendment thereto.

In which the concurrence of the Senate is respectfully requested.

On motion by Mr. Berry,

The bill and the House amendments thereto were laid on the table.

The following message was received from the House of Representatives by Mr. Sites, their clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has concurred in the engrossed amendment of the Senate to House bill No. 272, an act to authorize Railroad companies to increase the amount of their capital stock, &c.;

Also, the House has concurred in the engrossed amendment of the Senate to joint resolution of the House No. 34, a joint resolution to require the Secretary of State to publish certain acts therein named.

Also, the following message:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the Speaker has signed the following enrolled bills thereof:

Nos. 256, 287, 102, 9 and 165; and joint resolution No. 32.

Also, enrolled bills of the Senate Nos. 116, 167, 197, 191 and 180.

Which I am directed to bring to the Senate for the signature of the President thereof.

Whereupon the President signed the same.

On motion by Mr. Athon,

The Senate adjourned.

WEDNESDAY MORNING, }  
 June 16, 1852. }

The Senate met.

The Journal of yesterday was read.

House bill No. 309. A bill making general appropriations for the year 1852;

Was read a third time;

And the question being, shall the bill pass?

It was decided in the affirmative—ayes 31, noes 5.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Athon, Brugh, Cravens, Delevan, Emerson, Henton, Hester, Hickman, Hicks, Hunt, Kinnard, Knowlton, Longshore, Mickle, Miller, Milliken, Newland, Niblack, Reid, Saffer, Secrest, Slack, Sleeth, Spann, Todd, Walker, Washburn, Winstandley, and Witherow.

*Those who voted in the negative were,*

Senators Hanna, Logan, Odell, Scobey, and Teegarden.

House bill No. 202. A bill to provide for the settlement of claims against the State;

Was read a third time.

And the question being shall the bill pass?

It was decided in the affirmative. Ayes 32; noes 4.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Berry, Brugh, Cravens, Davis, Delevan, Eddy, Emerson, Henton, Hester, Hickman, Hicks, Hunt, Kinnard, Knowlton, Logan, Longshore, Mickle, Milliken, Newland, Niblack, Odell, Reid, Saffer, Scobey, Slack, Todd, Walker, Washburn, Winstandley, and Witherow.

*Those who voted in the negative were,*

Senators Holloway, Secrest, Spann, and Teegarden.

House bill No. 308. A bill making specific appropriations for the year 1852;

Was read a third time; and

The question being, shall the bill pass?

It was decided in the affirmative—ayes 26, noes 16.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Athon, Brugh, Cravens, Davis, Delevan, Dougherty, Emerson, Hanna, Henton, Hester, Hunt, Miller, Newland, Niblack, Reid, Saffer, Secrest, Slack, Spann, Todd, Turman, Walker, Washburn, and Winstandley.

*Those who voted in the negative were,*

Senators Berry, Eddy, Hickman, Hicks, Holloway, Kendall, Kinnard, Logan, Longshore, Marshall, Mickle, Milliken, Odell, Scobey, Sleeth, and Witherow.

House bill No. 314. A bill in relation to the taxation of lands in towns and cities;

Was read a third time, when

Mr. Winstandley moved to indefinitely postpone the bill;

Which was decided in the negative. Ayes 13; noes 25.

The ayes and noes were demanded by Senators Winstandley and Marshall.

*Those who voted in the affirmative were,*

Senators Athon, Cravens, Holloway, Kendall, Logan, Marshall, Mickle, Newland, Scobey, Todd, Turman, Winstandley, and Witherow.

*Those who voted in the negative were,*

Senators Alexander, Allen, Berry, Delevan, Emerson, Hanna, Henton, Hester, Hickman, Hicks, Hunt, Kinnard, Knowlton, Longshore, Milliken, Niblack, Odell, Reid, Saffer, Secrest, Slack, Sleeth, Spann, Walker, and Washburn.

Mr. Winstandley moved to refer the bill to the committee on the Judiciary with the following instructions:

Amend the bill so that it shall not affect any city except the city of Lawrenceburgh.

Mr. Berry moved to amend the instructions as follows:

Amend so that it shall not apply to towns and cities of over five thousand inhabitants.

Which amendment was accepted.

The question being on referring the bill to the committee on the Judiciary,

It was decided in the affirmative. Ayes 26; noes 14.

The ayes and noes were demanded by Senators Winstandley and Berry.

*Those who voted in the affirmative were,*

Senators Allen, Athon, Berry, Brugh, Cravens, Davis, Delevan, Eddy, Henton, Hickman, Holloway, Hunt, Kendall, Knowlton, Marshall, Newland, Odell, Reid, Scobey, Secrest, Slack, Todd, Turman, Walker, Washburn, and Winstandley.

*Those who voted in the negative were,*

Senators Alexander, Dougherty, Emerson, Hanna, Kinnard, Logan, Longshore, Mickle, Milliken, Niblack, Saffer, Sleeth, Spann, and Witherow.

On motion by Mr. Berry,

The order of business was suspended; when,

Mr. Berry, from a committee of Free Conference, submitted the following report:

**MR. PRESIDENT :**

The committee of Free Conference, to whom was referred the disagreement of the Senate and House on Senate bill No. 179, have had the subject under consideration, and have not been able to agree.

The committee on the part of the Senate recommend that the vote refusing to concur in the engrossed amendments of the House, be reconsidered, and we then recommend that the Senate concur in the amendment of the House, with the following amendment, to-wit:

Strike the word "Dearborn" out of the 1st section of said amendment, and insert in lieu thereof the words "Bartholomew, Brown."

Strike out the 4th, 5th, 6th, 7th, 8th, 9th and 10th sections of said engrossed amendment of the House, and insert the following in lieu thereof, to-wit:

SEC. 4. The counties of Dearborn, Franklin, Decatur, Shelby, Rush, Fayette and Union, shall constitute the fourth circuit.

SEC. 5. The counties of Johnson, Hendricks, Marion, Hancock, Hamilton, Tipton and Madison, shall constitute the fifth circuit.

SEC. 6. The counties of Sullivan, Greene, Monroe, Owen, Clay, Vigo, Putnam and Morgan, shall constitute the sixth circuit."

SEC. 7. The counties of Wayne, Henry, Randolph, Delaware, Jay, Blackford and Grant, shall constitute the seventh circuit.

SEC. 8. The counties of Parke, Vermillion, Montgomery, Boone, Fountain, Warren, Benton, Tippecanoe, Carroll and Clinton, shall constitute the eighth circuit.

SEC. 9. The counties of Lake, Laporte, Porter, St. Joseph, Marshall, Starke, Fulton, White, Cass, Pulaski, Jasper and Howard, shall constitute the ninth circuit.

SEC. 10. The counties of Adams, Wells, Huntington, Wabash, Miami, Whitley, Allen, Noble, De Kalb, Lagrange, Steuben, Elkhart and Kosciusko, shall constitute the tenth district.

The question being on concurring in the amendments of the committee,

It was decided in the affirmative. Ayes 27; noes 14.

The ayes and noes were demanded by Senators Reid and Berry.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Athon, Berry, Cravens, Davis, Delevan, Dougherty, Emerson, Hanna, Hester, Hicks, Hunt, Kinnard, Logan, Marshall, Mickle, Milliken, Newland, Reid, Saffer, Secrest, Sleeth, Todd, Turman, Washburn, and Winsteadley.

*Those who voted in the negative were,*

Senators Brugh, Eddy, Henton, Hickman, Holloway, Kendall, Knowlton, Longshore, Niblack, Scobey, Slack, Spann, Walker, and Witherow.

#### BILLS ON THEIR SECOND READING.

House bill No. 317. A bill to appropriate unappropriated Michigan road land funds to school purposes;

Was read a second time and ordered to a third reading.

House bill No. 72. A bill for the incorporation of county libraries;

Was read a second time, when

Mr. Eddy moved to strike out from the enacting clause and insert the following:

SEC. —. To establish and maintain a public library in each of the several counties, for the use of the inhabitants thereof, there shall be reserved ten per cent. of the net proceeds of all lots within the town where the county seat is situate, sold as the property of such county, and ten per cent. upon all donations made to procure

the location of such county seat, and the county commissioners shall make the necessary order for the collection and payment of the same.

SEC. —. The board of commissioners doing county business shall at their June session in each year, appropriate a sum not less than twenty nor more than seventy-five dollars for the purchase of books, maps and charts for such library, and the same shall be paid to the treasurer of the library, by the treasurer of the county, upon the certificate of the auditor thereof.

SEC. —. The clerk, auditor and recorder shall have the charge of such library, and are hereby constituted trustees for that purpose. They shall elect one of their number treasurer, and a suitable person librarian, and shall prepare a proper room with the necessary shelves and cases, within some county office or building when practicable, to place and safely keep such library; they shall cause all moneys appropriated, or belonging to the library, to be expended in the purchase of books, charts, and maps, and report to the board of county commissioners, in June, annually, the kind and number of books purchased, with the cost thereof, each of said officers shall be liable on his official bond for the performance of the duties herein required of him.

SEC. —. Every inhabitant of the county giving satisfactory evidence, or security, for the safe keeping and return of books, shall be entitled to take and use the same upon the proper application to the librarian; but no one person shall at the same time have more than two volumes of books, nor for a longer period than forty days, without returning such books to the library.

SEC. —. The trustees shall establish by-laws and rules for the regulation of such library, and the same shall be placed at a conspicuous point in the library room for the inspection of visitors. All fines or forfeitures accruing from the violation of such by-laws shall be recoverable in an action before any court of competent jurisdiction in the name of the State of Indiana for the use of such library; and the librarian shall be a competent witness in such action, and the entries made upon his books in relation to such library shall be *prima facie* evidence of the things therein charged.

SEC. —. The librarian shall make an entry, in a proper book, of each book or map taken, the time thereof, by whom, and when returned; he shall also keep a registry of the fines and penalties assessed, and collect the same, by suit or otherwise. At the June session of the board of county commissioners, in each year, he shall report the condition of such library, the books added or lost within the preceding year, and the value of the same.

Which amendment was adopted.

The amendment was ordered to engrossed, and the bill ordered to a third reading.



On motion by Mr. Hester,

The order of business was suspended.

Mr. Hester, from the select committee on Revision, submitted the following report:

MR. PRESIDENT:

The select committee on Revision, to whom was referred Senate bill No. 200, have had the same under consideration, and have directed me to report it back and recommend its passage, and they ask to be discharged from the further consideration thereof.

Which was concurred in.

Mr. Hester moved to consider the bill as engrossed, and that it be read a third time now;

Which was agreed to.

And the bill read a third time; and,

The question being, shall the bill pass?

It was decided in the affirmative; ayes 37, noes 2.

*Those who voted in the affirmative were,*

Senators Allen, Athon, Berry, Cravens, Davis, Delevan, Dougherty, Eddy, Emerson, Henton, Hester, Hickman, Hicks, Hunt, Kendall, Kinnard, Knowlton, Logan, Longshore, Marshall, Mickle, Milliken, Newland, Niblack, Odell, Reid, Saffer, Scobey, Secrest, Slack, Sleeth, Spann, Todd, Turman, Washburn, Winstandley, and Witherow.

*Those who voted in the negative were,*

Senators Hickman and Holloway.

The following message was received from the House of Representatives, by Mr. Sites, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof:

No. 311, entitled a bill supplemental to "a bill to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties thereof."

In which the concurrence of the Senate is respectfully requested.

The accompanying bill was read the first time and passed to a second reading.

Also, the following message:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has refused to concur in the engrossed amendments of the Senate to engrossed amendments of the House to Senate bill No. 105, "an act regulating the vending of spirituous liquors;" and that Messrs. Bryant and Nelson were appointed a committee of Free Conference to confer with a similar committee on the part of the Senate.

In which the concurrence of the Senate is respectfully requested.

Mr. Emerson moved that the Senate insist;

Which was agreed to.

Senators Emerson and Berry were appointed a committee of Free Conference on the part of the Senate.

Also, the following message:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed joint resolution of the House:

No. 35. A joint resolution asking Congress for a grant of lands to aid in constructing a railroad from Anderson, Indiana, via Crawfordsville, &c., via Hannibal, Missouri, to Fort Leavenworth;

In which the concurrence of the Senate is respectfully requested.

The accompanying joint resolution was read a first time and passed to a second reading.

Also, the following message:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has concurred in the Senate amendments to House bill No. 176, "An act to provide for the organization of canal and water works companies, and for the completion of the unfinished canals in the State of Indiana," with an engrossed amendment.

In which the concurrence of the Senate is respectfully requested.

On motion by Mr. Eddy,

The amendment of the House was concurred in.

Also, the following message:

**MR. PRESIDENT:**

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof:

No. 319. "An act to suspend certain acts therein named."

In which the concurrence of the Senate is respectfully requested.

The accompanying bill was read a first time and passed to a second reading.

Also, the following message:

**MR. PRESIDENT:**

I am directed by the House of Representatives to inform the Senate that the House has passed the following joint resolution of the House:

No. 17. "A joint resolution in relation to the improvement of the navigation of the Patoka, the East Fork of White River, Laughery Creek, in Ripley county, Big Wild Cat, in Howard and Clinton counties, Salt Creek, and other inland seas."

Also, engrossed bill of the House

No. 318. "An act declaring the word "ten," in the 10th section of an act to incorporate the town of Plymouth, Marshall county, approved February 11th, 1851, a misprint."

In which the concurrence of the Senate is respectfully requested.

The accompanying bill was read a first time, and passed to a second reading.

Message from the House of Representatives, by Mr. Sites, their Clerk:

**MR. PRESIDENT:**

I am directed by the House of Representatives to inform the Senate that the House has appointed Messrs. Stuart and Brady a committee of Free Conference on the part of the House to act with a similar committee already appointed on the part of the Senate to take into consideration the disagreement of the two Houses to engrossed amendments of the Senate to House bill No. 294, "An act in relation to the printing and the distribution of the Revised Statutes, and the Code of Civil and Criminal Practice."

Message from the House, by Mr. Sites, their Clerk:

**MR. PRESIDENT:**

I am directed by the House of Representatives to inform the Senate

that the House has passed the following engrossed joint resolution of the Senate :

No. 199. "A joint resolution in relation to certain duties of the Wabash and Erie Canal trustees, in reference to the erection of reservoirs in Clay county,"

Without amendment.

Message from the Governor, by Mr. King, his private secretary:

MR. PRESIDENT :

I am directed by the Governor to inform the Senate that he has approved and signed the following bills, to-wit:

No. 116. An act establishing general provisions respecting corporations.

No. 167. An act concerning licenses to vend foreign merchandise, to exhibit any caravan, menagerie, circus, rope and wire dancing, puppet show, and legerdemain.

No. 180. General provisions in relation to rail road companies.

No. 191. An act to quiet the title to lands granted for the purpose of county seats, and to legalize the sales of any such lands, or any part thereof.

No. 197. An act relative to probate courts.

Which bills originated in the Senate.

On motion by Mr. Hanna,  
The Senate adjourned.

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2 o'clock, P. M.

The Senate met.

Mr. Secrest asked leave of absence for Mr. Odell for the remainder of the session;

Which was granted.

Mr. Kinnard, from a select committee, submitted the following report:

MR. PRESIDENT:

The select committee to whom was referred Senate bill No. 168, authorizing the making a cistern within the State House square, have considered the same, and have instructed me to report it back and recommend that it be laid upon the table, deeming legislation upon the subject at this time inexpedient.

Which was concurred in.

Mr. Holloway introduced

No. 203. A joint resolution requiring the publication of the acts defining crimes and misdemeanors and providing for the punishment thereof:

Was read a first time, when

Mr. Holloway moved to suspend the rules and read the bill a second time now.

Which motion did not prevail. Ayes 26; noes 8.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Athon, Brugh, Delevan, Eddy, Hickman, Hicks, Holloway, Hunt, Kendall, Kinnard, Knowlton, Logan, Marshall, Newland, Niblack, Odell, Reid, Saffer, Secrest, Slack, Spann, Todd, Walker, and Witherow.

*Those who voted in the negative were,*

Senators Emerson, Hanna, Hester, Mickle, Milliken, Scobey, Sleeth, and Winstandley.

On motion by Mr. Sleeth,

A call of the Senate was ordered.

Senator Kinnard was absent.

On motion, the call was suspended.

The following message was received from the House of Representatives, by the Mr. Sites, their Clerk:

MR. PRESIDENT:

I am directed by the House to inform the Senate that the House has concurred in the first engrossed amendment of the Senate to engrossed amendment of the House to Senate bill No. 179, an act districting the State for judicial circuits, and has concurred in the second amendment with an engrossed amendment.

In which the concurrence of the Senate is respectfully requested.

The amendment of the House to the engrossed amendment of the Senate was concurred in—ayes 23, noes 18.

The ayes and noes were demanded by Senators Eddy and Emerson.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Athon, Berry, Cravens, Davis, Delevan, Hanna, Hester, Hicks, Hunt, Logan, Mickle, Milliken, Newland, Niblack, Reid, Saffier, Secrest, Sleeth, Todd, Washburn, and Winstandley.

*Those who voted in the negative were,*

Senators Brugh, Dougherty, Eddy, Emerson, Henton, Hickman, Holloway, Kendall, Knowlton, Longshore, Marshall, Odell, Scobey, Slack, Spann, Turman, Walker, and Witherow.

Also the following message:

**MR. PRESIDENT:**

I am directed by the House of Representatives to inform the Senate that the Speaker has signed the following enrolled bills thereof, Nos. 191, 210, 277, 283; which I am directed to bring to the Senate for the signature of the President thereof,

Whereupon the President signed the same.

Also the following message:

**MR. PRESIDENT:**

I am directed by the House of Representatives to inform the Senate that the House has concurred in the 1st, 2d, 4th, 5th, 6th, 7th, 9th, 10th, 11th, 12th, 14th, 15th, amendments of the Senate to House bill No. 308, "An act making specific appropriations for the year 1852," and refuse to concur in the 3d and 8th Senate amendments, and concur in the 13th amendment with an amendment.

In which the concurrence of the Senate is respectfully requested.

Mr. Slack moved that the Senate insist on their 3d amendment, Which was agreed to. Ayes 20; noes 17.

The ayes and noes were demanded by Senators Emerson, and Athon.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Athon, Dougherty, Eddy, Emerson, Hester, Hunt, Logan, Longshore, Newland, Niblack, Saffer, Secrest, Slack, Spann, Todd, Turman, Walker, and Winstandley.

*Those who voted in the negative were,*

Senators Berry, Brugh, Delevan, Henton, Hickman, Hicks, Holloway, Kinnard, Knowlton, Marshall, Mickle, Milliken, Reid, Scobey, Sleeth, Washburn and Witherow.

Mr. Secrest moved to insist on the 8th amendment.

Which motion prevailed.

The amendment of the House to the 13th amendment of the Senate was concurred in.

Mr. Eddy from the committee on Revision submitted the following report.

**MR. PRESIDENT:**

The Joint committee on Revision, to whom was referred Senate bill No. 115, in relation to Houses of Refuge have considered the same and instructed me to report it back and recommend that it be laid upon the table.

Which was concurred in.

On motion by Mr. Slack,

House bill No. 300. A bill relative to the salaries of public officers and manner of paying the same.

Was taken up.

The question being, shall the bill pass?

It was decided in the affirmative. Ayes 26; noes 14.

*Those who voted in the affirmative were,*

Senators Allen, Athon, Cravens, Davis, Delevan, Emerson, Hanna, Henton, Hester, Hicks, Hunt, Longshore, Marshall, Milliken, Newland, Niblack, Reid, Saffer, Secrests Slack, Sleeth, Spann, Todd, Turman, Washburn, and Winstandley.

*Those who voted in the negative were,*

Senators Alexander, Berry, Brugh, Dougherty, Eddy, Hickman, Holloway, Kinnard, Knowlton, Logan, Mickle, Scobey, Walker, and Witherow.

Mr. Reid from the committee on the Judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the Judiciary to whom was referred House bill No. 73, a bill to prohibit clerks and sheriffs and their deputies from practicing of law for reward, have had the same under consideration and a majority thereof, have instructed me to report the same back to the Senate with one amendment and when adopted recommend its passage.

Strike out of section one the word "county" in the 7th line, and insert the word "court" in lieu thereof.

Mr. Emerson offered the following amendment:

Strike out of the 1st section the words "or deputy of any such officer."

Which was not adopted—ayes 17, noes 17.

The ayes and noes were demanded by Senators Emerson and Logan.

*Those who voted in the affirmative were,*

Senators Allen, Athon, Berry, Emerson, Henton, Knowlton, Longshore, Marshall, Newland, Niblack, Saffer, Scobey, Secrest, Slack, Spann, Turman, and Witherow.

*Those who voted in the negative were,*

Senators Brugh, Delevan; Eddy, Hanna, Hester, Hickman, Holloway, Hunt, Kinnard, Logan, Mickle, Milliken, Reid, Sleeth, Todd, Walker, and Winstandley.

The question being, shall the amendment be engrossed and the bill ordered to a third reading?

It was decided in the affirmative. Ayes 19; noes 16.

The ayes and noes were demanded by Senators Reid and Emerson.

*Those who voted in the affirmative were,*

Senators Delevan, Eddy, Hanna, Henton, Hester, Hickman, Hicks, Holloway, Hunt, Kinnard, Knowlton, Logan, Longshore, Mickle, Reid, Sleeth, Todd, Washburn, and Winstandley.



*Those who voted in the negative were,*

Senators Allen, Athon, Berry, Brugh, Emerson, Marshall, Newland, Niblack, Saffer, Scobey, Secrest, Slack, Spann, Turman, Walker, and Witherow.

Mr. Marshall from the committee on the Judiciary submitted the following report:

MR. PRESIDENT:

The committee on the Judiciary, to whom was referred bill of the House No. 314, entitled "a bill relative to the taxation of lands in towns and cities," have had the same under consideration and have directed me to report the same back to the Senate with one amendment, and when adopted to recommend its passage.

The question being, shall the bill pass?

It was decided in the affirmative. Ayes 26; noes 11.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Athon, Berry, Brugh, Delevan, Hanna, Henton, Hester, Hickman, Hicks, Knowlton, Marshall, Milliken, Newland, Niblack, Reid, Saffer, Scobey, Secrest, Sleeth, Spann, Todd, Walker, Washburn, and Winstandley.

*Those who voted in the negative were,*

Senators Athon, Dougherty, Eddy, Emerson, Holloway, Hunt, Logan, Mickle, Slack, Turman, and Witherow.

Mr. Hester offered the following resolution:

*Resolved,* That the Principal Secretary of the Senate be instructed to correct the engrossed bill concerning salaries, so as to insert twenty instead of ten, as the fee for records in the supreme court. Which was adopted.

Mr. Scobey, from a committee on Free Conference, submitted the following report:

MR. PRESIDENT:

The committee of Free Conference to whom was referred the dif-

ference between the two Houses on House bill No. 104, "To regulate the mileage of treasurers in making deposits, and sheriffs in conveying prisoners," have considered the same, and instructed me to report the same back, and recommend the adoption of the amendment of the Senate to said bill, with two amendments thereto; and they ask to be discharged from the further consideration thereof.

Amend section 1 as follows:

Brown.....	95	Orange.....	45
Clay .....	126	Pike .....	93
Dearborn .....	125	Porter.. ..	287
Dubois.....	87	Posey .....	143
Franklin .....	120	Randolph .....	190
Fulton.....	203	Spencer .....	110
Grant .....	185	Starke.....	235
Greene .....	110	Tipton.....	150
Howard .....	165	Vigo .....	135
Jay .....	210	Martin .....	78
Miami .....	71		

Amend the 2d section as follows:

Dubois.....	140	Fulton .....	93
Grant .....	75	Howard .....	55
Jay .....	100	Ohio .....	95
Pike .....	150	Porter.....	177
Randolph.....	80	Spencer.....	182
Switzerland .....	103	Tipton.....	40

The amendments of the committee were concurred in.

Mr. Niblack, from the committee on the Judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the Judiciary, to whom was referred a resolution of the Senate instructing said committee to inquire into the expediency of requiring all persons who were in office on the first day of November last, and who were required to take an oath to support the present Constitution, to file with the proper officer or officers certified copies of such oaths, have had the subject under consideration, and are of the opinion that legislation upon the same is unnecessary, and consequently inexpedient; and ask to be discharged from the further consideration thereof.

Which was concurred in.

Mr. Cravens, from the committee on Enrolled Bills, submitted the following report:

MR. PRESIDENT:

The committee on Enrolled Bills have examined engrossed bills of the Senate Nos. 174 and 151, and find them correctly enrolled.

On motion by Mr. Athon,  
The Senate adjourned.

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THURSDAY MORNING, }  
June 17, 1852.

The Senate met.

On motion,  
The reading of the journal was dispensed with.

On motion by Mr. Eddy,  
A call of the Senate was ordered.

Senators Brugh, Dawson, Hickman, Kendall, Longshore, Turman, and Winstandley were absent.

Mr. Eddy, from the committee on Free Conference, submitted the following report:

MR. PRESIDENT:

The committee of Free Conference, to whom was referred the disagreement of the two Houses in relation to the amendment of the Senate to bill No. 298, have taken the same into consideration and instructed me to recommend the following modification thereof:

1st. Strike out "two and a half," in the third line of section one, of Senate amendment and insert "two."

2d. Add the following to the end of the section: *Provided*, such tax shall not apply to the current year:

Which was concurred in.

Mr. Niblack, from a select committee, submitted the following report:

MR. PRESIDENT:

The select committee appointed to take into consideration the propriety of providing for a geological and agricultural survey of the State, have had the subject under consideration, and, although said committee are fully impressed with the importance of having such a survey at as early a day as practicable, yet owing to the unusual and unprecedented amount of other and more urgent business before the present Legislature, and heretofore disposed of during its sessions, and to the increased demands upon the Treasury during the present fiscal year, consequent upon a re-organization of our State Government and a revision of our statutes, they deem it inexpedient to legislate upon the subject at the present session, and ask to be discharged from the further consideration thereof.

Which was concurred in.

Mr. Hanna, from the committee on the Judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the Judiciary, to which was referred the petition of Stephen Benack, an Indian, in relation to making a title to land, have had the same under consideration, and have directed me again to report that no legislation is necessary upon that subject, other than the statute already passed.

Which was concurred in.

Message from the House of Representatives, by Mr. Sites, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House insists on its disagreement to the third and eighth engrossed amendments of the Senate to engrossed bill of the House No. 308, an act making specific appropriations for the year 1852, and has appointed Messrs. Owen and Bryant a committee of free conference on the part of the House to act with a similar committee on the part of the Senate.

In which the concurrence of the Senate is respectfully requested.

Mr. Saffer moved to reconsider the vote insisting on the Senate amendment.

Which motion did not prevail.

## ORDERS OF THE DAY.

House bill No. 73. A bill to prohibit clerks and sheriffs and deputies from practicing law;

Was read a third time, and,

The question being, shall the bill pass?

It was decided in the negative. Ayes 15; noes 21.

*Those who voted in the affirmative were,*

Senators Brugh, Cravens, Delevan, Hanna, Hickman, Hicks, Hunt, Kinnard, Logan, Mickle, Milliken, Reid, Saffer, Sleeth, and Winstandley.

*Those who voted in the negative were,*

Senators Alexander, Allen, Athon, Davis, Dougherty, Emerson, Henton, Holloway, Kendall, Longshore, Marshall, Newland, Niblack, Scobey, Secrest, Slack, Spann, Todd, Walker, Washburn, and Witherow.

House bill No. 317. A bill to appropriate unappropriated Michigan road land funds to school purposes;

Was read a third time and passed. Ayes 34; noes 1.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Athon, Brugh, Cravens, Davis, Delevan, Eddy, Hanna, Henton, Hickman, Hicks, Holloway, Hunt, Kendall, Kinnard, Knowlton, Logan, Longshore, Mickle, Milliken, Newland, Niblack, Reid, Saffer, Scobey, Secrest, Slack, Sleeth, Spann, Todd, Washburn, Winstandley and Witherow.

Senator Walker voted in the negative.

Senate bill No. 72. A bill to provide for the assessment of damages against liquor sellers for vending spirituous liquors to an habitual drunkard or minors, and requiring such liquor sellers to execute a bond providing a penalty for failing so to do;

Was read a third time; and

The question being, shall the bill pass?

It was decided in the affirmative. Ayes 29; noes 6.

*Those who voted in the affirmative were,*

Senators Allen, Athon, Brugh, Cravens, Davis, Delevan, Eddy, Em-

erson, Henton, Hicks, Holloway, Hunt, Kendall, Kinnard, Longshore, Mickle, Miller, Newland, Niblack, Saffer, Scobey, Secrest, Slack, Sleeth, Spann, Todd, Turman, Walker, and Washburn.

*Those who voted in the negative were,*

Senators Hickman, Knowlton, Logan, Reid, Winstandley and Witherow.

#### BILLS AND JOINT RESOLUTIONS ON THEIR SECOND READING.

No. 203 of the Senate. A joint resolution requiring the publication of the acts defining crimes and misdemeanors, and providing for the punishment thereof;

Was read a second time; when

On motion by Mr. Holloway,

It was referred to a select committee.

Senators Holloway, Saffer and Todd were appointed said committee.

House joint resolution No. 17. A joint resolution in relation to the improvement of the navigation of the Patoka, the East Fork of White river, Laughery creek in Ripley county;

Was read a second time, when,

On motion by Mr. Niblack,

It was referred to a select committee.

Senators Niblack, Cravens and Holloway, were appointed said committee.

House bill No. 311. A bill supplemental to an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties thereof;

Was read a second time.

Mr. Secrest moved to lay the bill on the table;

Which was decided in the affirmative. Ayes 24; noes 11.

The ayes and noes were demanded by Senators Secrest and Reid.

*Those who voted in the affirmative were,*

Senators Alexander, Athon, Brugh, Cravens, Davis, Delevan, Eddy, Henton, Hicks, Holloway, Hunt, Knowlton, Logan, Mickle, Milliken, Reid, Scobey, Secrest, Sleeth, Spann, Walker, Washburn, Winstandley and Witherow.

*Those who voted in the negative were,*

Senators Allen, Emerson, Hanna, Hickman, Kinnard, Newland, Niblack, Saffer, Slack, Todd, and Turman.

House bill No. 319. An act to suspend certain acts therein named;  
Was read a second time, when

Mr. Cravens moved to suspend the rules and read the bill a third time now;

Which was decided in the affirmative. Ayes 34; noes 0.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Athon, Brugh, Cravens, Davis, Delevan, Eddy, Emerson, Henton, Hickman, Hicks, Hunt, Kendall, Kinnard, Knowlton, Logan, Longshore, Mickle, Milliken, Newland, Niblack, Reid, Saffer, Scobey, Secrest, Slack, Spann, Todd, Turman, Walker, Washburn, Winstandley, and Witherow.

The bill was read a third time, and

The question being, shall the bill pass?

It was decided in the affirmative. Ayes 33; noes 1.

*Those who voted in the affirmative were,*

Senators Allen, Athon, Brugh, Cravens, Davis, Delevan, Eddy, Emerson, Henton, Hickman, Hicks, Hunt, Kendall, Kinnard, Knowlton, Logan, Longshore, Mickle, Milliken, Newland, Niblack, Saffer, Scobey, Secrest, Slack, Sleeth, Spann, Todd, Turman, Walker, Washburn, Winstandley, and Witherow.

Senator Marshall voted in the negative.

House bill No. 318. A bill declaring the word "ten," in the 10th section of an act to incorporate the town of Plymouth, Marshall county, approved February 11th, 1851, a misprint;

Was read a second time, when,

Mr. Eddy moved to suspend the rule, and read the bill a third time;

Which was agreed to. Ayes 34; noes 0.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Athon, Brugh, Cravens, Davis, Delevan, Eddy, Emerson, Henton, Hickman, Hicks, Hunt, Kendall, Kinnard, Knowlton, Logan, Longshore, Marshall, Mickle, Newland, Niblack, Saffer, Scobey, Secrest, Slack, Sleeth, Spann, Todd, Turman, Walker, Washburn, Winstandley, and Witherow.

The bill was then read a third time and passed. Ayes 36; noes 1.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Athon, Brugh, Cravens, Davis, Delevan, Eddy, Emerson, Henton, Hickman, Hicks, Holloway, Hunt, Kendall, Kinnard, Knowlton, Logan, Longshore, Marshall, Mickle, Milliken, Newland, Niblack, Saffer, Scobey, Secrest, Slack, Sleeth, Spann, Todd, Turman, Walker, Washburn Winstandley and Witherow.

Senator Hanna voted in the negative.

Mr. Emerson, from a committee on Free Conference, submitted the following report:

**MR. PRESIDENT:**

The committee of Free Conference appointed to take into consideration the disagreement of the two Houses upon the 4th and 8th engrossed amendments of the Senate to engrossed bill of the House, entitled No. 308. An act making specific appropriations for the year 1852, have had the same under consideration and recommend that the Senate recede from its 8th engrossed amendment; and that the House recede from their disagreement to the 4th engrossed amendment.

Which was concurred in.

Message from the House of Representatives, by Mr. Sites, their Clerk:

**MR. PRESIDENT:**

I am directed by the House of Representatives to inform the Senate that the House has concurred in the 1st and 7th engrossed amendments of the Senate to House bill No. 300, "An act relative to the salaries of Public officers and providing the manner of paying the same," and refuse to concur in the 2d, 3d, 4th, 5th, and 6th engrossed amendments of the Senate, and has appointed Messrs. Owen and Bryant a committee of Free Conference on the part of the House to act with a similar committee on the part of the Senate.

In which the concurrence of the Senate is respectfully requested.

Senators Emerson and Hanna were appointed a committee of Free conference on the part of the Senate.

House joint resolution No 35. A joint resolution asking Congress for a grant of lands to aid in constructing a Railroad from Anderson, Indiana, via Crawfordsville, Hannibal, Missouri, to Fort Leavenworth.

Was read a second time, when



On motion by Mr. Allen.

The rules were suspended, and the joint resolution read a third time—ayes 35 ; noes 1.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Athon, Brugh, Cravens, Davis, Delevan, Dougherty, Eddy, Emerson, Henton, Hickman, Hicks, Holloway, Hunt, Kendall, Kinnard, Knowlton, Logan, Longshore, Marshall, Mickle, Milliken, Newland, Niblack, Saffier, Scobey, Secrest, Sleeth, Spann, Todd, Turman, Walker, Washburn, and Witherow.

Senator Winsteadley voted in the negative.

The Joint Resolution was read a 3d time ; and,  
The question being, shall the joint resolution pass?

Which was decided in the affirmative. Ayes 30 ; noes 5.

*Those who voted in the affirmative were,*

Senators Allen, Athon, Brugh, Cravens, Davis, Dougherty, Emerson, Hanna, Henton, Hickman, Hicks, Holloway, Hunt, Kendall, Kinnard, Knowlton, Logan, Longshore, Mickle, Newland, Niblack, Saffier, Scobey, Secrest, Slack, Sleeth, Spann, Todd, Walker, and Washburn.

*Those who voted in the negative were,*

Senators Delevan, Eddy, Milliken, Winsteadley, and Witherow.

Message from the House of Representatives.

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has refused to concur in the report of the committee of Free Conference on the disagreement of the two Houses to Senate amendments to House bill No. 294, "an act in relation to the printing and distribution of the Revised Statutes, and the code of civil and criminal practice."

Also, the following :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has appointed Messrs. Holman and Lindsay of Howard a committee of Free Conference on the disagreement of the two

Houses on Senate amendments to House bill No. 294, "a bill in relation to the printing and distribution of the Revised Statutes, and the code of civil and criminal practice."

In which the concurrence of the Senate is respectfully requested.

On motion,

Senators Knowlton and Eddy were appointed a committee of Free Conference on the part of the Senate.

Mr. Sleeth moved to reconsider the vote adopting the resolution requesting the President not to certify the accounts of members.

Which was agreed to.

On motion,

The resolution was laid on the table.

On motion,

Mr. Berry was excused from serving on the committee on Free Conference on Senate bill No. 103, and

Mr. Hicks was appointed in his stead.

Mr. Berry, from a select committee, submitted the following report:

MR. PRESIDENT:

The select committee to whom was referred House bill No. 234, have had the same under consideration, and have directed me to report it back with the accompanying amendments, and when these are adopted, they recommend the passage of the bill; and they ask to be discharged from the further consideration thereof.

Add 15th specification—

All laws now in force regulating the election and duties of State Printer.

On motion by Mr. Berry,

The bill and amendments were laid on the table.

Mr. Winstandley, from a select committee, submitted the following report:

MR. PRESIDENT:

The select committee to whom was referred bill of the House No. 263, have had the same under consideration, and a majority of the committee have directed me to report it back to the Senate, and recommend that it be laid on the table.

Which was concurred in.

Mr. Holloway, from a select committee, submitted the following report:

MR. PRESIDENT:

The select committee to whom was referred Senate joint resolution No. 203, a joint resolution requiring the publication of the acts defining crimes and misdemeanors, and providing for the punishment therefor, have had the same under consideration, and have directed me to report the same back to the Senate, and recommend that it be laid on the table.

Which was concurred in.

Mr. Eddy, from the committee on Free Conference, submitted the following report:

MR. PRESIDENT:

The committee on Free Conference, to whom was referred the disagreement of the two Houses upon the engrossed amendments of the Senate to House bill No. 294, have had the same under consideration and instructed me to recommend the following modification to sections 2 and 3 in said engrossed amendments:

Strike out from the second engrossed amendment of the Senate all after the numbering of said section to the words "at the capital," and insert the following in lieu thereof:

"The Governor immediately upon the adjournment of the present General Assembly shall employ a competent person to act with the Secretary of State, and for that purpose shall remain."

And insert after the word "and," in the second line, the following: "in connection with him."

Strike out after the word "and," in the third line and second page of said amended section, all to the word "arranged."

Strike out section three of said amendment, and insert the following in lieu thereof:

SEC. —. No clerk shall be employed in the performance of the duties specified in this act, and the person employed as aforesaid shall receive as a compensation for the services herein required a sum not exceeding three hundred dollars, to be determined, audited and allowed by the joint action of the Governor, Auditor and Treasurer of State, specifying the amount of time actually employed, and the specific compensation therefor.

Mr. Hanna, from a committee on Free Conference, submitted the following report:

MR. PRESIDENT:

The committee of Free Conference on the disagreement of the

House and Senate on House bill No. 300, and amendments thereto, have had that subject under consideration and have agreed as follows:

The Senate recedes from its amendment No. 2.

The Senate recedes from amendment No. 5.

The Senate recedes from amendment No. 6.

The House recedes from its non-concurrence in amendment No. 4.

The House recedes from its non-concurrence in amendment No. 3.

Which was concurred in.

Message from the House of Representatives, by Mr. Sites, their Clerk:

MR. PRESIDENT:

I am directed by the House to inform the Senate that the House has concurred in the report of the committee of Free Conference on the disagreement of the two Houses on Senate amendments to House bill No. 300, an act relative to the salaries of public officers, and providing the manner of paying the same.

Which was concurred in.

Mr. Hester moved to take up House bill No. 234;

Which was agreed to.

Mr. Hester moved to amend by adding the 19th specification:

All laws regulating the sinking fund—Strike out the word "have," in the last line of sections 2 and 3.

Mr. Secrest moved to lay the bill and amendment on the table;

Which motion prevailed.

Mr. Niblack, from a select committee, submitted the following report:

MR. PRESIDENT:

The select committee to whom was referred joint resolution of the House No. 17, have had the same under consideration, and have instructed me to report the same back to the Senate, and recommend its passage.

The question being, shall the bill be engrossed for a third reading? It was decided in the negative.

Message from the House of Representatives by Mr. Sites their Clerk:

**MR. PRESIDENT:**

I am directed by the House of Representatives to inform the Senate that the House has concurred in the amendment of the Senate to House bill No. 72, "A bill for the incorporation of county libraries," with one engrossed amendment.

In which the concurrence of the Senate is respectfully requested.  
The amendment was concurred in.

Mr. Hanna asked leave to withdraw from the files two petitions relative to the re-location of the county seat of the county of Clay;  
Which was granted.

Mr. Reid, from a select committee, submitted the following report:

**MR. PRESIDENT:**

The select committee appointed to district the State for judicial circuits, and to whom was referred House bill for the purpose of fixing the time of holding courts, have had the same under consideration, and have instructed me to report the same back to the Senate with the following amendment, and when adopted to recommend its passage.

Strike out from the enacting clause and insert the following:

That the several circuit courts of this State shall be held as follows, to-wit:

*First Circuit.*—In the county of Ohio, on the second Mondays of February and August, in each year; in the county of Ripley, on the Monday succeeding the courts in the county of Ohio; in the county of Jennings, on Monday succeeding the courts in the county of Ripley; in the county of Jefferson, on Monday succeeding the courts in the county of Jennings; in the county of Bartholomew, on Monday succeeding the courts in the county of Jefferson; in the county of Switzerland, on Monday succeeding the courts in the county of Bartholomew; in the county of Brown, on Monday succeeding the courts in the county of Switzerland. The said courts, if the business thereof require it, shall sit in the following counties of Ohio, Ripley, Bartholomew and Switzerland, two weeks each; Jennings and Brown one week each, and Jefferson, four weeks each term.

*Second Circuit.*—In the counties of Scott, on the third Mondays in Feb. and August; in the county of Jackson, on the fourth Mondays in February and August; in the county of Washington, on the first Mondays of March and September; in the county of Lawrence, on the third Mondays in March and September; in the county of Orange, on the first Mondays in April and October; in the county of Crawford, on the second Mondays of April and October; in the county of Floyd, on the fourth Mondays in April and October, and in the county of Clark, on the second Monday in May and November. In the counties of Scott, Jackson, Washington, Orange, Crawford

and Harrison, the courts may sit one week each. In the counties of Clark and Lawrence two weeks each; and in the county of Floyd three weeks at each term, if the business thereof requires.

*Third Circuit.*—In the county of Dubois, on the second Mondays of February and August in each year; in the county of Martin on Monday succeeding the courts in the county of Dubois; in the county of Daviess on Monday succeeding the courts in the county of Martin; in the county of Pike on Monday succeeding the courts in the county of Daviess; in the county of Knox on Monday succeeding the courts in the county of Pike; in the county of Gibson on Monday succeeding the courts in the county of Knox; in the county of Posey on Monday succeeding the courts in the county of Gibson; in the county of Vanderburgh on Monday succeeding the courts in the county of Posey; in the county of Warrick on Monday succeeding the courts in the county of Vanderburgh; in the county of Spencer on Monday succeeding the courts in the county of Warrick; in the county of Perry on Monday succeeding the courts in the county of Spencer. The said courts shall, if the business so require it, sit in the counties of Dubois, Martin, Daviess, Pike, Gibson, Warrick, Spencer and Perry one week each; Knox and Posey two weeks each, and Vanderburgh three weeks.

*Fourth Circuit.*—In the county of Franklin on the first Mondays of February and August in each year; in the county of Union on the Monday succeeding the courts in the county of Franklin; in the county of Fayette on Monday succeeding the courts in the county of Union; in the county of Rush on Monday succeeding the courts in the county of Fayette; in the county of Shelby on Monday succeeding the courts in the county of Rush; in the county of Decatur on Monday succeeding the courts in the county of Shelby, and in Dearborn on Monday succeeding the courts in the county of Decatur. The said courts, if the business thereof require it, shall sit in the counties of Union, Fayette, Rush, Shelby, and Decatur two weeks; in Dearborn four weeks, and in Franklin three weeks each term.

*Fifth Circuit.*—In the county of Hancock, on the second Mondays in February and August in each year; in the county of Madison on Monday succeeding the courts in the county of Hancock; in the county of Hendricks on Monday succeeding the courts in the county of Madison; in the county of Johnson on Monday succeeding the courts in the county of Hendricks; in the county of Tipton on Monday succeeding the courts in the county of Johnson; in the county of Hamilton on Monday succeeding the courts in the county of Tipton; in the county of Marion on Monday succeeding the courts in the county of Hamilton. The said courts, if the business thereof require it, shall sit in the counties of Hancock, Madison, Hendricks, Johnson, and Hamilton two weeks each; and in Tipton one week, and Marion four weeks.

*Sixth Circuit.*—In the county of Sullivan on the last Monday of

February and August, of each year; in the county of Vigo on Monday succeeding the courts in the county of Sullivan; in the county of Clay on Monday succeeding the courts in the county of Vigo; in the county of Putnam on Monday succeeding the courts in the county of Clay; in the county of Greene on Monday succeeding the courts in the county of Putnam; in the county of Monroe on Monday succeeding the courts in the county of Greene; in the county of Morgan on Monday succeeding the courts in the county of Monroe; in the county of Owen on Monday succeeding the courts in the county of Morgan.

The said courts if the business so require it, shall sit in the counties of Sullivan and Clay, one week each; in the counties of Putnam, Greene, Monroe, Morgan, and Owen, two weeks each; and in the county of Vigo three weeks.

*Seventh Circuit*.—In the county of Wayne on the second Monday in February and August, in each year; in the county of Henry on Monday succeeding the courts in the county of Wayne; in the county of Delaware on Monday succeeding the courts in the county of Henry; in the county of Randolph on Monday succeeding the courts in the county of Delaware; in the county of Jay on Monday succeeding the courts in the county of Randolph; in the county of Blackford on Monday succeeding the courts in the county of Jay; in the county of Grant, on Monday succeeding the courts in the county of Blackford.

The said courts, if the business thereof so require it, shall sit in the counties of Henry, Delaware, Randolph, Jay, and Grant two weeks each; in Blackford one week; and in Wayne county three weeks, each term.

*Eighth Circuit*.—In the county of Boone on the second Monday in February and August in each year; in the county of Montgomery on Monday succeeding the courts in the county of Boone; in the county of Parke on the Monday succeeding the courts in the county of Montgomery; in the county of Fountain on the Monday succeeding the courts in the county of Parke; in the county of Vermillion on Monday succeeding the courts of the county of Fountain; in the county of Warren on Monday succeeding the courts in the county of Vermillion; in the county of Benton on Monday succeeding the courts in the county of Warren; in the county of Jasper on Monday succeeding the courts in the county of Benton; in the county of Tippecanoe on Monday succeeding the courts in the county of Jasper; in the county of Clinton on the Monday succeeding the courts in the county of Tippecanoe.

The said courts, if the business require it, shall sit in the counties of Boone, Montgomery, Parke, Fountain and Clinton, two weeks each; in the county of Tippecanoe three weeks; and in the counties of Vermillion, Warren, Benton and Jasper, one week each.

*Ninth Circuit*.—In the county of Carroll on the second Mondays of February and August, in each year; in the county of Cass on

Monday succeeding the courts in the county of Carroll; in the county of Howard on the Monday succeeding the courts in the county of Cass; in the county of Miami on the Monday succeeding the courts in the county of Howard; in the county of Fulton on Monday succeeding the courts in the county of Miami; in the county of Marshall on Monday succeeding the courts in the county of Fulton; in the county of St. Joseph on Monday succeeding the courts in the county of Marshall; in the county of Laporte on Monday succeeding the courts in the county of St. Joseph; in the county of Porter on Monday succeeding the courts in the county of Laporte; in the county of Lake on Monday succeeding the courts in the county of Porter; in the county of Starke on Monday succeeding the courts in the county of Lake; in the county of Pulaski on Monday succeeding the courts in the county of Starke; in the county of White on Monday succeeding the courts in the county of Pulaski.

The said courts, if the business thereof require it, shall sit in the counties of White, Pulaski, Starke, Lake, Porter, Marshall, Fulton, and Howard, one week each; in the counties of Carroll and St. Joseph two weeks each; and in the counties of Cass, Miami and Laporte, three weeks each, in each term.

*Tenth Circuit.*—In the county of Allen on the first Mondays of February and August, in each year; in the county of Adams on Monday succeeding the courts in the county of Allen; in the county of Wells on Monday succeeding the courts in the county of Adams; in the county of Huntington on Monday succeeding the courts in the county of Wells; in the county of Whitley on Monday succeeding the courts in the county of Huntington; in the county of Wabash on Monday succeeding the courts in the county of Whitley; in the county of Kosciusko on Monday succeeding the courts in the county of Wabash; in the county of Noble on Monday succeeding the courts in the county of Kosciusko; in the county of Elkhart on Monday succeeding the courts in the county of Noble; in the county of Lagrange on Monday succeeding the courts in the county of Elkhart; in the county of Steuben on Monday succeeding the courts in the county of Lagrange; in the county of DeKalb on Monday succeeding the courts in the county of Steuben.

The said courts, if the business thereof so require it, shall sit in the following counties of Adams, Wells, Huntington, Whitley, Noble, Steuben and DeKalb, one week each; in Wabash, Kosciusko, Elkhart and Lagrange, two weeks each; and in Allen, three weeks each term.

Mr. Emerson moved to amend the amendment as follows:

In the counties of Scott, on the third Mondays in February and August.

In the county of Jackson, on the fourth Mondays in February and August.

In the county of Washington, on the first Mondays in March and September.



In the county of Lawrence, on the third Mondays of March and September.

In the county of Orange, on the first Mondays of April and October.

In the county of Crawford, on the second Mondays of April and October.

In the county of Harrison, on the third Mondays of April and October.

In the county of Floyd, on the fourth Mondays of April and October.

In the county of Clark, on the second Mondays in May and November.

In the counties of Scott, Jackson, Washington, Orange, Crawford, and Harrison, the courts may sit one week each; in the counties of Clark and Lawrence, two weeks each, and in the county of Floyd, three weeks at each term, if the business thereof require it.

Which amendment was adopted.

Mr. Berry moved to amend the amendment as follows:

In section 4 strike out second, and insert first;

Which was agreed to.

The amendment of the committee as amended was concurred in, and the bill was read a third time.

The question being, shall the bill pass?

It was decided in the affirmative. Ayes 32; noes 2.

*Those who voted in the affirmative were,*

Senators Allen, Athon, Berry, Brugh, Cravens, Davis, Delevan, Eddy, Emerson, Hanna, Henton, Hester, Hickman, Hicks, Hunt, Kendall, Kinnard, Logan, Marshall, Mickle, Niblack, Reid, Saffer, Secrest, Slack, Sleeth, Spann, Todd, Turman, Walker, Winstandley and Witherow.

Senators Milliken and Scobey, voted in the negative.

Mr. Marshall moved to amend the title so as to read as follows:

"An act fixing the time of holding circuit courts in the several counties of this State.

Which was agreed to.

Message from the House of Representatives, by Mr. Sites, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill of the Senate:

No. 200, "A bill to provide for the government of the Institute for the blind."

Without amendment.

Also, the following message:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has concurred in the report of the committee of free conference on House bill No. 308, "An act making specific appropriations for the year 1852."

Also, the following message:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has concurred in the engrossed amendments of the Senate to House bill No. 314, "A bill relative to the taxation of lands in towns and cities."

Also, the following message:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has concurred in the report of the committee of Free Conference on House bill No. 104, "A bill to regulate the mileage of sheriffs in conveying convicts to the State prison, and of county treasurers in making deposits, and in their settlements with the Treasurer and Auditor of State."

Also, the following message:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has concurred in the report of the committee of Free Conference on engrossed amendments of the Senate to House bill No. 298, "A bill to apply certain funds therein named to the payment of the public debt."

Mr. Hickman, from the committee on Enrolled bills, submitted the following report:

MR. PRESIDENT:

The committee on Enrolled bills have examined Nos. 129, 124, 133 and 186, and find them correctly enrolled.

Message from the House of Representatives, by Mr. Sites, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the Speaker has signed the following enrolled bills of the Senate: Nos. 124, 129, 133, 186, 153, 199, 195, 34, 140, 189, 151 and 174. Which I am directed to bring to the Senate for the signature of the President thereof.

Also, the following:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that the Speaker has signed the following enrolled bills of the House: Nos. 223 and 247.

Also, House joint resolution No. 33.

Which I am directed to bring to the Senate for the signature of the President thereof.

Also, the following:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has concurred in the report of the committee of Free Conference on the disagreement of the two Houses to Senate amendments to House bill No. 294, "An act in relation to the printing and the distribution of the Revised Statutes, and the Code of Civil and Criminal Practice."

Mr. Hickman, from the committee on Enrolled bills, submitted the following report:

MR. PRESIDENT:

The joint committee on Enrolled bills, have compared Senate bills numbered 153, 140, 195, Senate joint resolutions numbered 199, 189 and 34, and House bill 247, and House joint resolution 33, with the engrossed copies thereof, and find them correctly enrolled.

On motion,  
The Senate adjourned.

2 o'clock, P. M.

The Senate met.

Mr. Milliken asked leave of absence for Mr. Kinnard from and after to-morrow;

Which was granted.

On motion,

House bill No. 234, A bill repealing all former acts of the Legislature, except those therein named;

Was taken up.

On motion by Mr. Scobey,

The vote on the engrossment of the amendments was reconsidered.

Mr. Scobey moved to add the following:

All laws, whether general or special, now in force regulating the sale of spirituous and intoxicating liquors, and prescribing the punishment for violations of said laws.

Which was agreed to.

Mr. Saffer moved to consider the amendments as engrossed, and that the bill be read a third time now;

Which was agreed to.

The bill was read a third time;

The question being, shall the bill pass?

It was decided in the affirmative. Ayes 26; noes 11.

*Those who voted in the affirmative were,*

Senators Alexander, Allen, Athon, Brugh, Cravens, Delevan, Eddy, Emerson, Henton, Hester, Hickman, Hicks, Holloway, Hunt, Kendall, Kinnard, Knowlton, Longshore, Mickle, Milliken, Newland, Niblack, Reid, Saffer, Sleeth, Walker, Washburn, and Winstandley.

*Those who voted in the negative were,*

Senators Dougherty, Hanna, Marshall, Niblack, Scobey, Secrest, Slack, Spann, Todd, Turman, and Witherow.

Message from the House of Representatives, by Mr. Sites, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following resolution:

*Resolved, That, the Senate concurring, that in addition to the persons entitled to copies of the Revised Statutes, Codes of Civil and Criminal Practice and Journals of the House of Representatives and Senate, that the Assistant Clerks of the House and Senate, and Assistant Door-keepers of each House, and the Reporters, be each entitled to one copy thereof.*

In which the concurrence of the Senate is respectfully requested.

Mr. Emerson moved to concur with an amendment inserting the words "and clerks to committees."

Which was agreed to.

Mr. Berry moved to reconsider the vote on concurring in the House amendment with an amendment to Senate bill No. 103.

Which was agreed to.

The question then was, will the Senate concur in the amendment of the House with an amendment proposed on yesterday?

Which was decided in the negative.

Mr. Berry moved to concur with the following amendment:

Strike out of the House amendment in section one, after the word "that," and insert the following:

SEC. 1. It shall be lawful to retail or vend spirituous liquors in any township in this State until a majority of the qualified voters of any such township shall file with the clerk of the township trustees their remonstrance in writing, the genuineness of the signatures to which shall be proven by the qualified voters thereof.

SEC. 2. After a majority of the voters of any township shall have filed their remonstrance as contemplated in the foregoing section, the clerk of the township trustees shall put up written notices in three of the most public places within said township, and when such notices shall have been posted up thirty days, it shall not be lawful to any longer retail or vend spirituous liquors in said township in any less quantities than one quart, except for medicinal and mechanical purposes, until thirty days after the clerk of the township trustees shall have posted up notices in three of the most public places in said township, that the majority of the qualified voters have filed with him their permission so to do, the genuineness of the signatures to which shall be proven by two qualified voters of the township.

SEC. 3. It shall be lawful for the qualified voters of the several townships to stop or authorize the retailing or vending of spirituous liquors, as provided in the foregoing sections of this act, as often as they shall desire.

SEC. 4. Persons selling or giving away spirituous liquors for medicinal or mechanical purposes, in less quantities than one quart, in any township within this State, when a majority of the qualified voters shall have filed their remonstrance against retailing or vending spirituous liquors in quantities less than one quart, as provided in this act, shall annually file with the township clerk a correct ac-

count of the time, to whom and in what quantity such spirituous liquors were sold or given away for such medicinal or mechanical purposes, verified by their affidavit; and the failing to report such giving away or selling shall render the seller or giver liable to prosecution for each such sale or gift, and to the same fine as is provided for the unlawful giving away or selling of spirituous liquors in quantities less than one quart; but the occasional gift of such liquors in cases of necessity for medical purposes by those who do not keep them for sale, shall not render the giver liable to fine for failing to report such gift.

Which motion prevailed.

Message from the House of Representatives, by Mr. Sites, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following bill of the Senate:

No. 165. A bill supplemental to an act to provide for the incorporation of railroad companies.

With an engrossed amendment.

In which the concurrence of the Senate is respectfully requested.

The amendment of the House was concurred in.

Also, the following message:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following resolution:

*Resolved*, That the thanks of this House are hereby tendered to the Hons. Walter March, George W. Carr and Lucian Barbour, for their able, laborious and efficient services, rendered by them as Law Commissioners, in preparing a code of civil and criminal practice, and that the Senate be requested to reciprocate this resolution.

The resolution was reciprocated.

Mr. Milliken moved to adjourn.

Which was not agreed to.

Mr. Dougherty moved to adjourn.

Which motion did not prevail.

Mr. Slack offered the following resolution:

*Resolved*, That the thanks of the Senate are due, and they are hereby tendered to the Secretaries, Clerks and Door-keepers of the

Senate, respectively, for the prompt and efficient manner they have discharged the duties imposed upon them.

Which was unanimously adopted.

Mr. Cravens, from the committee on Enrolled bills, submitted the following report:

MR. PRESIDENT:

The committee on enrolled bills have examined Senate bill No. 169 and find it correctly enrolled.

Mr. Hickman from the committee on enrolled bills submitted the following report:

MR. PRESIDENT:

The committee on enrolled bills, have compared Senate bills No. 179, and 85, and find them correctly enrolled.

Message from the Governor, by Mr. King, his private secretary:

MR. PRESIDENT:

I am directed by the Governor to inform the Senate that he has approved and signed the following bills, to-wit:

No. 140. An act prescribing the duties and fixing the compensation of State Agent.

No. 199. A joint resolution in relation to certain duties of the Wabash and Erie canal Trustees in reference to the erection of reservoirs in Clay County.

No. 195. An act to provide that purchasers of real estate forfeited to the sinking fund who are the legal owners, but who have purchased the State's interest for a sum greater than that due the State and interest thereon shall not be compelled to pay to the commissioners of the fund, the overplus nor interest thereon.

No. 189. A joint resolution inviting and welcoming Thomas Francis Meagher to the hospitalities of the citizens of Indiana.

No. 129. An Act providing for the election and prescribing certain duties of county surveyors.

No. 34. A joint resolution to require the Secretary of State to publish certain acts therein named.

No. 124. An act to establish and regulate ferries.

No. 133. An act to enable trustees to receive lands and donations, and convey the same for the use of schools, churches, religious societies, Masonic and Odd Fellows' lodges, Sons and Daughters of

Temperance, and the construction of cemeteries, houses of worship or other buildings therein mentioned.

No. 151. An act providing for the government of the State University, the management of its funds, and for the disposition of the lands thereof.

No. 186. An act providing for the organization of county boards and prescribing their powers and duties.

No. 174. An act to revise, simplify and abridge the rules, practice, pleadings, and forms in criminal actions in the courts of this State.

No. 153. An act providing for the settlements of decedents' estates, prescribing the rights, liabilities and duties of officers connected with the management thereof and of the heirs thereto, and certain forms to be used in such settlement.

Which bills originated in the Senate.

The following message was received from the House of Representatives by Mr. Sites, their clerk:

MR. PRESIDENT:

I am directed by the House to inform the Senate that the Speaker has signed the following bills of the Senate:

Nos. 85, 143, 169.

Also, to bring to the Senate, for the signature of the President, House bill No. 285.

Whereupon the President signed the same.

Also, the following message:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has concurred in the report of the committee of free conference on engrossed amendments of the Senate to engrossed amendments of the House to engrossed bill of the Senate No. 103, "An act regulating the vending of spirituous liquors.

Also, the following message:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has concurred in the engrossed amendments of the



Senate to House bill No. 234, entitled "An act repealing all former acts of the Legislature except those therein named."

Also, the following message:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has concurred in the amendment of the Senate to the resolution of the House in regard to supplying the assistant Clerks and Door-keepers with copies of the statutes, code, &c.

Also, the following message:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the Speaker has signed the following enrolled bills thereof:

Nos. 316, 267, 273, 176, and 104.

Which I am directed to bring to the Senate for the signature of the President thereof,

Whereupon, the President signed the same.

On motion by Mr. Scobey,  
The Senate adjourned.

FRIDAY MORNING, }  
June 18, 1852. }

The Senate met.

The journal of yesterday was read.

#### REPORTS SUBMITTED.

By Mr. Niblack, from the committee on Manufactures:

MR. PRESIDENT:

The committee on Manufactures, to whom was referred so much of the Governor's message as relates to the Cannelton Cotton Mills, in Perry county, have had the same under consideration, and are highly gratified with the many evidences of the prosperity and continued success of the institution, brought within their knowledge by said message, and drawn from other reliable sources. The committee are not aware that any further legislation is needed or desired on behalf of the enterprise. They feel confident that with an equal and fair competition,—that with the ocean for a highway, and the world for a market, no reasonable doubt need be entertained of the continued usefulness and ultimate success of the establishment. The committee desire to be discharged from the further consideration of the subject.

Which was concurred in.

Message from the House of Representatives, by Mr. Sites, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has concurred in the engrossed amendments of the Senate to House bill No. 306, "An act to empower the circuit judges to fix the time of holding circuit courts in their respective circuits," with sundry engrossed amendments.

In which the concurrence of the Senate is respectfully requested.  
Which was concurred in.

Also, the following:

MR. PRESIDENT:

I am directed by the House to inform the Senate that the House

has refused to concur in the engrossed amendments of the Senate to engrossed amendments of the House to Senate bill No. 103, "An act regulating the vending of spiritous liquors."

On motion by Mr. Winstandley,  
The message and amendment were laid on the table.

Also, the following:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the Speaker has signed the following enrolled bills thereof:

Nos. 72, 298, 300, 308, 248 and 294.

Which I am directed to bring to the Senate for the signature of the President thereof.

Also, the following:

MR. PRESIDENT:

I am directed by the House to inform the Senate that the Speaker has signed the following enrolled bills of the Senate:

Nos. 198, 200, 165 and 176.

Which I am directed to bring to the Senate for the signature of the President thereof.

Also, the following message:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the Speaker has signed the following enrolled bills of the House:

Nos. 173, 309 and 234.

Also, House joint resolution No. 35,

Which I am directed to bring to the Senate for the signature of the President thereof.

All of which were signed by the President.

Message from the Governor, by Mr. King, his private secretary:

MR. PRESIDENT:

I am directed by the Governor to inform the Senate that he has approved and signed the following bills, to-wit:

No. 85. An act to regulate the times of holding courts in the 12th judicial circuit.

No. 179. An act districting the State for judicial circuits.

No. 143. An act for the incorporation of insurance companies, defining their powers, and prescribing their duties.

No. 169. An act to revise, simplify and abridge the Rules, Practice, Pleadings and Forms in civil cases in the courts of this State; to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity.

No. 165. An act supplemental to an act entitled "an act to provide for the incorporation of rail road companies."

No. 176. An act for the incorporation of cities.

No. 198. An act supplemental to an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State," &c.

No. 200. An act for the better support and management of the Indiana Institute for the education of the Blind.

Which bills originated in the Senate.

Mr. Hickman, from the committee on Enrolled bills, submitted the following report:

MR. PRESIDENT:

The committee on Enrolled bills have compared bills numbered 176, 165, 200 and 198 with the engrossed copies thereof, and find them correctly enrolled.

Also, the following message:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the Speaker has signed the following enrolled bills thereof:

Nos. 45, 314, 317, 318 and 319.

Which I am directed to bring to the Senate for the signature of the President thereof.

By Mr. Washburn, from the committee on Banks:

MR. PRESIDENT:

The committee on Banks, to whom was referred a resolution instructing them to inquire into the expediency of selling the State's interest in the stock and buildings of the State Bank of Indiana, have had the same under consideration, and have decided it inexpedient to legislate on that subject at this time, and have instructed me to report accordingly, and ask to be discharged from the further consideration of the subject.

Mr. Slack moved to lay the report on the table.

Which was not agreed to.

The question being, will the Senate concur in the report of the committee?

It was decided in the negative. Ayes 14, noes 14.

The ayes and noes were demanded by Senators Slack and Dougherty.

*Those who voted in the affirmative were,*

Senators Delevan, Emerson, Henton, Holloway, Kendall, Marshall, Niblack, Saffer, Scobey, Secrest, Todd, Walker, Washburn, and With-  
erow.

*Those who voted in the negative were,*

Senators Alexander, Allen, Athon, Brugh, Dougherty, Hanna, Hick-  
man, Hicks, Mickle, Reid, Slack, Sleeth, Spann, and Winstandley.

No quorum voting.

On motion,

The Senate adjourned.

2 o'clock, P. M.

The Senate met.

Message from the House of Representatives by Mr. Sites their clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Sen-  
ate that the Speaker has signed the following enrolled bill thereof:

No. 306; which I am directed to bring to the Senate for the sig-  
nature of the President thereof.

Whereupon the President signed the same.

Mr. Niblack offered the following resolution:

*Resolved*, That when the Senate adjourns, it will adjourn to meet  
on Monday morning next at 7½ o'clock.

Which was adopted.

On motion by Mr. Saffer,

The Senate adjourned.

1852  
MONDAY MORNING, }  
June 21, 1852. }

The Senate met.

The journal of Friday was read.

Mr. Niblack offered the following resolution:

*Resolved*, That a committee of three be appointed on the part of the Senate, to act with a similar committee on the part of the House of Representatives, to wait on His Excellency, the Governor, and inform him that the two Houses have gone through with the business of the session, and are now ready to adjourn *sine die*, unless he has some further communication to make, and that the House be requested to reciprocate this resolution.

Which was adopted; and Senators Niblack, Hester and Witherow were appointed said committee.

The following message was received from the House of Representatives, by the Mr. Sites, their Clerk:

MR. PRESIDENT:

I am directed by the House to inform the Senate that the House has adopted the following resolution:

*Resolved*, That a committee of three, consisting of Messrs. Brady, Owen, and Hay of Clark, be appointed on the part of the House to act with a similar committee on the part of the Senate, to wait upon His Excellency, the Governor, and inform him that the two Houses of the General Assembly have gone through with the business of the session, and are now ready to adjourn, *sine die*, unless he has some further communication to make.

In which the concurrence of the Senate is respectfully requested.

Which was reciprocated.

Mr. Niblack, from the select committee appointed to wait upon his Excellency, the Governor, submitted the following report:

MR. PRESIDENT:

The committee appointed to wait on the Governor, and ascertain

whether he has any further communication to make to the General Assembly, have discharged that duty and report that the Executive has no further communication to make to either branch.

That he congratulates the representatives of the people upon the bringing to a close their arduous and responsible duties in framing a Revised Code of general statutes for a people who, for more than a third of a century, have been governed by special and local laws.

That he further congratulates the members of this General Assembly upon having completed their task, the first revision under the new constitution, in a shorter time than the same has been effected in any State having as large a population; and in a manner which, as he confidently believes, will not only meet with the cordial approval of their constituents throughout the length and breadth of the State, but establish for Indiana throughout the Union, the reputation of having led the way in various essential practical reforms, eminently in accordance with the advancing spirit of the age.

The Governor is of opinion that in the five months session which is now about to close, there has been consummated more legislation than will be necessary in as many years to come; the great labor of the present having anticipated, and rendered unnecessary, much labor in the future.

And, finally, the Governor begged the committee to say, for him, to the respective Houses, that, in taking leave of their members and officers, he wishes each and all of them health and happiness, a pleasant journey and safe return to their families and constituency.

Mr. Spann offered the following resolution:

*Resolved*, That the secretary of the Senate inform the House of Representatives that the Senate have completed the legislative business for which they were assembled, and are ready to adjourn *sine die*.

Which was adopted.

The following message was recieved from the House of Representatives by Mr. Sites their clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has adopted the following resolution.

*Resolved*, That the clerk inform the Senate that the House have gone through with the legislative business of the present session and are now ready to adjourn *sine die*.

In which the concurrence of the Senate is respectfully requested.

Which was reciprocated.

When,  
The President pro tem. (Hon. S. S. Mickle) submitted the following remarks.

SENATORS:—The time of our separation is at hand; the business for which we were sent here is completed. Whether it is well or otherwise, is for time and experience to determine. That errors and inaccuracies will be found in our labors is to be expected. I speak advisedly when I say that the same amount of labor, in the same length of time, has never been performed by any legislative body that has ever assembled as has been performed by this General Assembly, however much that may be. I would not do justice were I on this occasion to fail in bearing witness to your zeal and untiring industry in preparing and pushing forward the important work cut out for us by the new constitution of the State. But I did not rise on this occasion to pronounce a eulogy on your services, that I trust and confidently believe will be done by a generous and approving constituency. For myself I would do violence to my feelings were I not to return to you my heartfelt acknowledgments for the generous, kind and courteous treatment which I have from time to time received at your hands, not only your partiality in assigning to me the honor of presiding over your deliberations, but for your generous support and kind forbearance while occupying that important position; and also for the high compliment you have seen fit to bestow on me by the adoption of resolutions approving in the most flattering terms, of the manner in which I have discharged the duties of this high trust. Recollections so dear as these will ever be cherished with the fondest regard and in future life be it long or short I will feel a pleasure in their contemplation above, far above the ordinary pleasures of life.

I am not vain enough to presume that in the duties of the chair I have been free from errors, but if I have committed errors (and I have no doubt committed many,) I feel a pleasure in knowing that they were errors of the head and not of the heart. And now hoping that the blessings of kind heaven may rest on each member and officer of this Senate as well as on our happy State and nation: I wish each of you a safe and speedy journey to your respective homes and happy meetings with your families and friends, as well as the smiles of an approving constituency.

And now to close my official duties I declare this Senate adjourned *sine die*.

When,

On motion by Mr. Alexander,  
The Senate adjourned *sine die*.

JAMES H. VAWTER,  
Assistant Secretary of the Senate.



## A P P E A L .

*From the decision of the Hon. Jas. H. Lane, President of the Senate.*

SENATE, January 21, 1852.

Mr. Slack moved to reconsider the vote on the passage of Senate bill No. 6, which motion was entertained by the President of the Senate.

Messrs. Dunn and Marshall took an appeal from the decision of the President, that where a bill fails on its passage, from the want of a constitutional majority, any member voting with the largest number, may make a motion to reconsider.

The question being, shall the decision of the chair stand as the judgment of the Senate?

It was decided in the affirmative—ayes 30, noes 14.



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## BILLS AND JOINT RESOLUTIONS OF THE SENATE.

<i>Number.</i>	<i>TITLE.</i>	<i>First Reading.</i>	<i>Proceedings before passage.</i>	<i>Passed Senate.</i>	<i>Passed House.</i>	<i>Other proceedings.</i>	<i>Approved.</i>	<i>By whom introduced.</i>
1	A bill to allow Joseph A. Messick compensation for preparing and fitting up the Senate Chamber .....	8	8, 11, 29	30				Dougherty.
2	A bill to enable the sheriff of Morgan county to file his bond .....	9	11, 904					Delevan.
3	A bill directing the sale of the county seminary lands and apparatus .....	45	1169-70					Berry.
4	A bill to amend "an act to incorporate the Fort Wayne and Southern Railroad Company" .....	45	56, 73, 971					Brugh.
5	A bill for the organization of a county court in the nature of a court of common pleas, for each county in the State	51	{ 56, 257 to 266, 350, 390-1, 489, 490, 844					Reid.
6	A bill to enforce the provisions of article 13 of the Constitution of Indiana, &c.	54	{ 67, 125, 175-6 181, 185-8, 244 to 246, 286 to 288	330				Berry.
7	A joint resolution for the benefit of common schools .....	55	{ 310, 328-9, 330 67, 301, 395-6					Hanna.



8	A joint resolution in relation to the three per cent. fund .....	55	67, 666-8	688	Milliken.
9	A bill giving the several county auditors of the State additional authority to make deeds for school lands in certain cases.	55	67, 168		Milliken.
10	A bill to amend article 7 of chapter 45 of the Revised Statutes of 1843, so as to give landlords the right to distrain for rent where the rent is received in kind.	62	123, 132		James.
11	A bill for the government of the Indiana Hospital for the Insane .....	64	76, 93-4, 100, 120	121 242	304 Sleeth.
12	A joint resolution in behalf of the Cuban prisoners .....	65	65, 73, 91, 98, 99	99 132	284 Reid.
13	A bill prescribing rules for carrying into effect the 21st section of the 7th article of the Constitution .....	72	119		Hanna.
14	A bill declaratory of the rights incident to or growing out of the marriage relation, and prescribing for the descent of estates	72	80, 1130		Hanna.
15	A bill to provide for the election of three commissioners to revise and amend the practice and pleadings of the courts of justice .....	72	80		Reid.
16	A bill establishing township libraries .....	72	80, 93		Defrees.
17	A bill to change the title of the Lawrence- burgh and Upper Mississippi Railroad Company .....	72	80, 136, 423-4		Crawford.

BILLS AND JOINT RESOLUTIONS OF THE SENATE—Continued.

1430

<i>Number.</i>	<i>TITLE.</i>	<i>First Reading.</i>	<i>Proceedings before passage.</i>	<i>Passed Senate.</i>	<i>Passed House.</i>	<i>Other proceedings.</i>	<i>Approved.</i>	<i>By whom introduced.</i>
18	A bill exempting five hundred dollars worth of real estate from execution...	72	{ 80, 107, 215, 216 217, 266-9, 303 311, 407-10, 520 829					Hester.
19	A bill prescribing rules for the institution and carrying on of prosecutions for offenses against the criminal laws, and modifying the grand jury system .....	72	{ 80, 202, 301, 302 382-3, 395-6 616, 893					Hanna.
20	A bill giving to assessors a longer time to file their official bonds, and take the oath of office .....	87	94, 100	100	146		283	Saffer.
21	A bill to secure the early distribution and publication of the laws of a general nature .....	87	94					Holloway.
22	A joint resolution in relation to the granting of public lands to settlers .....	98	112, 121, 768	121	165		210	Dougherty.
23	A bill to provide for the election of township officers, mode of doing township business, &c. ....	98	{ 112, 124, 134, 189, 211-13, 239, 240, 648-9, 675, 801-2, 940, 1026-29, 1075-6					Slack.
24	A bill to amend sections one and seven of							

25	"an act to incorporate the Ayers University," approved January 20, 1851 ..	112	122, 133				Winstandley.
26	A bill providing for the appointment of three commissioners to revise and simplify the rules of practice and pleadings	116	122, 122, 130				Hanna.
27	A joint resolution in favor of common schools .....	116	122, 300, 308	309	369	394	Miller.
28	A bill for the relief of persons who are likely to suffer by the destruction of the records and other writings of Clay co. .	120	130, 142-3	144	197	283	Hanna.
29	A bill to protect railroads and the lives of passengers .....	120	130, 169-71, 181	181	224		Secret.
30	A bill abolishing distinctions between actions at law and suits in equity .....	120	131, 269, 904				Emerson.
31	A bill providing for the time of holding courts in the second judicial district ..	128	142, 150	150	174	210	Athon.
32	A bill to declare the meaning of section 231, chap. 20, of R. S. of 1843 .....	136	151, 300, 850-1				Dunn.
33	A bill to repeal the 153d, 154th, 155th, 156th, 157th, and 158th sections of the 8th art. of the 47th chap., and the 98th section of the 4th art. of the 48th chap. of the Revised Code of 1843 .....	137	152				Milliken.
34	A bill to prohibit the making distress for rent by warrant .....	137	152, 161	162			Dougherty.
	A joint resolution in favor of the Hungarian patriots .....	143	153, 154, 162	162	174	210	Reid.

# BILLS AND JOINT RESOLUTIONS OF THE SENATE—Continued.

<i>Number.</i>	<i>TITLE.</i>	<i>First Reading.</i>	<i>Proceedings before passage.</i>	<i>Passed Senate.</i>	<i>Passed House.</i>	<i>Other Proceedings.</i>	<i>Approved.</i>	<i>By whom introduced.</i>
35	A bill authorizing a general banking law.	147	(580 to 588, 678					Defrees.
36	A bill for the relief of purchasers of school section No. 16, in township 26 north, of range No. 12 east, and prescribing the duties of county auditors in relation thereto .....		905, 164, 169, 210 272-73, 319, 320 487					
37	A joint resolution relative to admitting slave territory .....	160	{ 182, 188-9, 189 190, 197-8	198	349	349	394	Slack.
38	A bill explanatory of an act entitled "an act to increase and extend the benefits of common schools," approved January 17, 1849, so far as relates to the county of Lagrange.....	161	182					Niblack.
39	A bill providing for the changing of the titles of railroad companies in this State,	164	182, 229					Defrees.
40	A bill to provide for the election of township assessors, the taking and approval of their bonds, taking the oath of office,	173	173, 182, 188, 221	221				Sleeth.

41	prescribing the mode of assessing personal property, fixing the compensation of assessors, and repealing all acts or parts of acts conflicting with this act...	183	{ 183, 188, 209, 210 288-9, 292, 332-3	333	Emerson.
42	A joint resolution in relation to Smith O'Brien, Thos. F. Meagher, John Mitchell, and their immediate associates.....	185	185, 190, 193-4	194	Niblack.
43	A bill districting the State for congressional purposes.....	193	193, 206		Miller.
44	A bill to lay off the State into districts for the election of Representatives to the Congress of the United States.....	223	239, 893-4		Saffer.
45	A bill to authorize the taking of depositions of the Superintendent of the Asylum for the Insane of this State.....	237	237, 251	274	Longshore.
46	A bill to organize the circuit court and defining its powers and jurisdiction.....	237	{ 237, 251, 359 486, 525, 808		Secret.
47	A joint resolution in relation to the improvement of the harbor at Michigan City.....	250	250, 275, 768		Teegarden.
48	A bill for districting the State for the purpose of electing three judges of the supreme court.....	250	{ 250, 275, 462-3-4 481-2, 496 to 500 511	511 540	Berry.
	A joint resolution asking an appropriation of Congress to erect public buildings in the city of Indianapolis.....	257	{ 275, 284, 307 449, 450	473 579	McCarty.

# BILLS AND JOINT RESOLUTIONS OF THE SENATE—Continued.

<i>Number.</i>	<i>TITLE.</i>	<i>First Reading.</i>	<i>Proceedings before passage.</i>	<i>Passed Senate.</i>	<i>Passed House.</i>	<i>Other Proceedings.</i>	<i>Approved.</i>	<i>By whom introduced.</i>
49	A bill to repeal certain sections of an act in relation to swamp lands, approved February 11, 1851 .....							
50	A bill authorizing the Board of Trustees of the Indiana University to sell square 25, in the town of Indianapolis, and to erect a suitable building in or near said town for a medical branch of said University .....	269	275, 315, 1144					Eddy.
51	A bill regulating the salaries of the clerks of the circuit courts, auditors, treasurers, and recorders of the several counties in this State .....	271	288, 917 to 918					Hester.
52	A bill to amend the third section of an act entitled "an act to incorporate the White River Navigation Company," approved Feb. 13, 1851, and to extend	271	288, 353					Hickman.

53	the rights and privileges of said company.....	272	{ 288, 557-8, 564- 5, 646, 1302.	Alexander.
54	A bill to create a fee fund for the payment of the salary of the judge of the court of common pleas, and to regulate the fees of the clerk of the circuit court and the court of common pleas.....	272	288, 731	Reid.
55	A bill to provide for the payment of damages done any private property, personal or real, taken and appropriated to any incorporated company chartered by the State of Indiana, within this State.....	284	313, 1301	Dawson.
56	A joint resolution in relation to certain articles taken from the cathedrals in Mexico.....	304	{ 307, 327, 346-8 356-8	Holloway.
	A bill to authorize the board of commissioners of the county of Washington and other counties similarly situated, to appropriate the annual dividends arising on the stock owned by said counties in the New Albany and Salem Railroad Company, to the support of common schools in said counties.....	397	{ 315, 378, 443 473, 851-2	Cravens.

BILLS AND JOINT RESOLUTIONS OF THE SENATE.—Continued.

<i>Number.</i>	<i>TITLE.</i>	<i>First Reading.</i>	<i>Proceedings before passage.</i>	<i>Passed Senate.</i>	<i>Passed House.</i>	<i>Other proceedings.</i>	<i>Approved.</i>	<i>By whom introduced.</i>
57	A bill prescribing the time for the commencement of actions other than for the recovery of real property, and declaring what shall be deemed the commencement of an action.....	308	313					
58	A bill providing for districking the State of Indiana in Congressional districts...	308	{ 313, 314, 327-8 336-7, 340-46 360-1	361				Emerson.
59	A bill authorizing the boards doing county business to declare water courses navigable.....	312	{ 318, 319, 330 338-39, 402 572-3	573	1077			Slack.
60	A bill to amend an act for the more effectual, just and equal assessment and valuation of the personal property, monies, rights, credits, effects and corporation stocks in the State of Indiana....	312						Miller.
61	A bill to suppress tippling-houses, and providing for assessing damages against those who sell or give away intoxicating		319, 645, 1144					Defrees.



62	liquors, and repealing all laws conflicting with its provisions . . . . .	321	{ 349, 353, 373-5 445-6, 450-1 454-62, 1144				Milliken.
63	A bill defining the duties of county treasurers . . . . .	324	{ 348, 1209				Delavan.
64	A bill authorizing the issuing of executions and fee bills in the supreme court, in cases upon which no execution or fee bill has issued for three years from the rendition of judgment, and where fees have not been collected for three or more years from the termination of the suit in which the same is taxed . . . . .	336	348, 362	362	399		Marshall.
65	A bill to authorize any company heretofore organized under the provisions of any general or special law of this State for the purpose of constructing a plank, gravel, McAdamized or coal road, to construct a railroad, and prescribing the manner in which such change may be made . . . . .	365	371, 537-8, 713	716	1064	1141	Emerson.
	A bill to regulate general and special elections, preserve the purity thereof, and fixing the compensation of inspectors, judges and clerks, and the time and manner of holding the same . . . . .	369	{ 380, 531, 550-3 750, 1133				Goodman.

BILLS AND JOINT RESOLUTIONS OF THE SENATE—Continued.

1438

<i>Number.</i>	<i>TITLE.</i>	<i>First Reading.</i>	<i>Proceedings before passage.</i>	<i>Passed Senate.</i>	<i>Passed House.</i>	<i>Other proceedings.</i>	<i>Approved.</i>	<i>By whom introduced.</i>
66	A bill creating a State Board of Equalization, defining their duties, their compensation, and duties of county auditors under this bill .....	389	393, 450, 892, 893					
67	A joint resolution directing the publication of the Constitution of the State...	395	397	406	475		579	Holloway. Berry.
68	A joint resolution on the subject of the slave trade, and for the purpose of colonization .....	397	475, 604	617	651		696	Dunn.
69	A joint resolution on the subject of emigration to Oregon and the Pacific coast	397	474, 511	511	540		579	Crawford.
70	A bill providing for the colonization of negroes and mulattoes and their descendants, constituting a State Board of Colonization, declaring the duties of said Board, and State Treasurer and county treasurer in relation thereto.....	402	512, 513, 524	524	808		829	Berry.
71	A bill to amend article 2 of chapter 42, of							

the Revised Statutes of 1843, concerning liens on boats and other vessels, repairs, &c., requiring attachment creditors to file bonds.....	444	519, 607				Reid.
72 A bill providing for the assessment of damages against liquor sellers for vending spirituous liquors to an habitual drunkard, or minor, and requiring such liquor seller to execute a bond, and providing a penalty for his failure so to do	471	(501, 520, 611, 612	1369.			Hester.
73 A bill to amend an act organizing in each county of this State, a probate court, and fixing the salary of the judge thereof.....		613 to 615, 622 to				Defrees.
		625, 633 to 635				
		638, 652-3, 916				
	472	520, 850				
74 A bill authorizing plank road companies to create a sinking fund for the repair of said roads .....	472	519, 553, 570	570	609		Holloway.
75 A bill to encourage education by the incorporation of companies empowered to institute and maintain high schools, academies, colleges, universities, and missionary boards .....	472	{ 519, 714, 715				Hicks.
		{ 729, 1009				

## BILLS AND JOINT RESOLUTIONS OF THE SENATE --Continued.

<i>Number.</i>	<i>TITLE.</i>	<i>First Reading.</i>	<i>Proceedings before passage.</i>	<i>Passed Senate.</i>	<i>Passed House.</i>	<i>Other Proceedings.</i>	<i>Approved.</i>	<i>By whom introduced.</i>
76	A bill concerning persons capable of acquiring, holding and transferring real estate, and the rights and duties of such persons, the persons qualified, and the mode of conveying the title to or interest in real estate, the manner of giving notice thereof by recording the same, and duties of recorders in relation thereto, and the construction to be given to, and the force of such deeds and the acknowledgment thereof when offered in evidence; also, concerning estates, remainders, future estates, chattels real, estate tails for life, and freeholds and the accumulation of rents .....							
77	A joint resolution on the subject of an agricultural bureau at Washington City,	479	525, 1133	533	579		661	Hanna.
78	A bill to authorize cities of 5,000 inhabi-	486	527, 533					Holloway.

79	tants or more, to issue their bonds, borrow money, build public houses for their use, purchase and make wharves, furnish water and light, and take stock in roads leading to the same, on petition of two-thirds of the resident freeholders thereof, and to take stock in companies for lighting and watering the same.....	486	{ 526, 554-5-6, 572 708				Winstandlee.
79	A bill incorporating the Newton, Fountain county, Horse Thief Detecting Company.....	486					Turman.
80	A bill to provide for the appointment of a commissioner to superintend the fencing of the Tippecanoe battle ground.....	495	526, 668-9, 687-8	687	806	829	Allen.
81	A bill to approximate and equalize the labors of the judges of the first, fifth and thirteenth judicial circuits.....	514	514, 515	515	528	{ 528, 530 537	Secret.
82	A bill to repeal section one of an act entitled "an act defining the duties of the treasurer of Morgan county....."	522	534, 542	542			Delevan.
83	A bill to legalize the appraisement of real estate in the county of Fountain .....	522	534	543			Turman.
	A joint resolution in relation to the office of chief engineer of the Wabash and Erie canal .....	533	549, 566, 768				Slack.

BILLS AND JOINT RESOLUTIONS OF THE SENATE—Continued.

<i>Number.</i>	<i>TITLE.</i>	<i>First Reading.</i>	<i>Proceedings before passage.</i>	<i>Passed Senate.</i>	<i>Passed House.</i>	<i>Other proceedings.</i>	<i>Approved.</i>	<i>By whom introduced.</i>
84	A bill to provide for the election of the Trustees of the Indiana Asylum for the education of the Deaf and Dumb.....	533	549					Emerson.
85	A bill regulating the time of holding courts in the 12th judicial circuit, and to regulate the time of empanneling a traverse jury in Allen county.....	533	549, 606	616	650	{ 696, 698 1347	1391	Slack.
86	A bill for the relief of certain tax payers in certain counties in this State.....	538	{ 549, 558-9, 647 892-3, 972					Knowlton.
87	A bill to authorize the Columbus Bridge Company and all other companies organized for the purpose of erecting and maintaining toll bridges to increase their capital stock, and to increase or reduce the number of the directors thereof...							
88	A bill to limit the number of grand jurors and to point out the mode of their selec-	540	562, 972					Spann.

89	tion, and repealing all laws inconsistent within themselves.....	540	561, 570-1	571	609	696	Goodman.
	A bill giving construction to an act entitled "an act to amend several acts incorporating turnpike roads therein named, so as to apply to the Madison and Brownstown Turnpike company..	554	574, 726, 1169				Marshall.
90	A bill to provide for a general and uniform system of common schools, providing for the election and defining the duties of township trustees, circuit superintendent, State Superintendent of Public Instruction, &c.....	569	596-7				Athon.
91	A bill authorizing and prescribing the mode of disposing of the stock belonging to the State in the State Bank of Indiana.	610	621, 734, 843				Slack.
92	A bill in relation to witnesses in suits at law between incorporated companies and the stockholders thereof .....	610	621, 628	628			Slack.
93	A bill to provide for the payment of the public debt of the State, and prescribing the manner of accomplishing this object	620	629, 643-4, 672-3	673			Emerson.
94	A bill to attach Boone county to the first judicial circuit. ....	626	626-7	627	651	696	Dougherty.
95	A bill to enable the treasurer of Delaware county to settle with the county commissioners, county auditor, and Treasurer of State .....	627	636, 650	672			Brugh.

# BILLS AND JOINT RESOLUTIONS OF THE SENATE.

1444

<i>Number.</i>	<i>TITLE.</i>	<i>First Reading.</i>	<i>Proceedings before passage.</i>	<i>Passed Senate.</i>	<i>Passed House.</i>	<i>Other proceedings.</i>	<i>Approved.</i>	<i>By whom introduced.</i>
96	A joint resolution instructing our Senators and requesting our Representatives in Congress to use their influence and votes to procure the passage of a law granting lands to aid in the construction of the Fort Wayne and Southern Railroad .....							
97	A joint resolution instructing our Senators and requesting our Representatives in Congress to use their influence and votes to obtain a grant of lands to aid in the construction of the Junction railroad .....	631 656, 673	631 656, 673					Dougherty.
98	A joint resolution instructing our Senators and requesting our Representatives in Congress to use their influence and votes to procure a grant of lands to aid	631 655, 657, 673-4	631 655, 657, 673-4					Dougherty.



99	in the construction of the Elkhart, Kosciusko and Miami railroad.....	631 655, 674				Dougherty.
100	A joint resolution instructing our Senators and requesting our Representatives in Congress to use their influence and votes to procure a grant of lands to aid in the construction of the Fort Wayne and Columbus railroad.....	631 656, 657, 674-5				Dougherty.
101	A joint resolution instructing our Senators and requesting our Representatives in Congress to use their influence and exertions to procure a grant of public lands to aid in the construction of the Ohio and Mississippi railroad.....	631 656-7, 675				Dougherty.
102	A bill to re-organize the Board of Trustees of Indiana University, defining their powers and duties, and providing for the election of President and other officers, and pointing out their powers and duties.....	635 { 657, 661-2, 663 675-6	667 676	712	731	Hester.
	A joint resolution memorializing Congress to pass an act placing assistant surgeons appointed by commanding officers of the United States army, during the war with Mexico, on the same footing as to bounty land and extra pay as regularly commissioned surgeons.....	652 684, 685	699	1157	1279	Hester.

# BILLS AND JOINT RESOLUTIONS OF THE SENATE --Continued.

<i>Number.</i>	<i>TITLE.</i>	<i>First Reading.</i>	<i>Proceedings before passage.</i>	<i>Passed Senate.</i>	<i>Passed House.</i>	<i>Other Proceedings.</i>	<i>Approved.</i>	<i>By whom introduced.</i>
103	A bill to repeal all laws licensing the retail of spirituous liquors, and affixing a penalty against the sale of such liquors to an habitual drunkard, or person in a state of intoxication, or to a minor.....							
104	A bill lawing out and establishing highways, change and vacation thereof, the erection of bridges, duties and powers of officers entrusted with the care and superintendence of highways and bridges, the election and duties of supervisors, with some miscellaneous provisions relating to highways .....	653	{ 683, 684, 917 1255, 1259 to 1262	1262	1329	{ 1329, 1330 1349, 1358 1385-6, 1388 1391		Hester.
105	A bill to enable county commissioners of the several counties to borrow money for the purpose of erecting and completing court houses, jails and other county buildings .....	658	689, 690, 827, 854					Miller.
		661	683, 726, 752, 755	755				Eddy.

106	A joint resolution suspending the operations of the 2d section of an act entitled "an act providing a remedy for the illegal reduction of the aggregate valuation of the real estate in the several counties of this State . . . . ."	671	689, 699, 700, 704	704	Milliken.
107	A bill to incorporate the Paoli and Orleans Railroad Company . . . . .	672	689		Miller.
108	A joint resolution on the subject of suppressing small notes . . . . .	687	700, 715	715	Milliken.
109	A bill defining the criminal jurisdiction of justices of the peace . . . . .	687	700		Reid.
110	A bill to provide for the purchase of 38 bound volumes of the Western Sun and General Advertiser for the use of the State Library . . . . .	698	719, 757, 851		Turman.
111	A bill to provide for the sale of the northwest quarter of section 26, in township 1, north of range 5 west, in the county of Dubois, the same having been reserved as saline lands . . . . .	699	718-19, 727	751	Niblack.
112	A joint resolution for the purpose of opening a correspondence with the Executive of Ohio, regarding the assessment and taxation of personal property . . . .	704	719, 729 719, 729, 768 868-9, 1225		Reid.
113	A joint resolution relative to the settlement with the State Printer . . . . .	705		1225	Holloway.

BILLS AND JOINT RESOLUTIONS OF THE SENATE—Continued.

<i>Number.</i>	<i>TITLE.</i>	<i>First Reading.</i>	<i>Proceedings before passage.</i>	<i>Passed Senate.</i>	<i>Passed House.</i>	<i>Other proceedings.</i>	<i>Approved.</i>	<i>By whom introduced.</i>
114	A joint resolution in relation to declaring the bridge over the Ohio River at Wheeling, Virginia, a post route . . . . .	715	730, 751	751	1077		1141	Berry.
115	A bill for the establishment of a House of Refuge . . . . .	754	962, 1363					Hicks.
116	A bill establishing general provisions respecting corporations . . . . .	764	776	789	1299		1360	Eddy.
117	A bill for the incorporation of manufacturing and mining companies, and companies for mechanical, chemical, and building purposes . . . . .	764	774	789	1034	1183, 1225	1062	Eddy.
118	A bill defining misdemeanors, and prescribing punishment therefor . . . . .	764	774-5-6	789	1182	1253-4	1346	Hester.
119	A bill defining felonies, and prescribing the punishment therefor . . . . .	764	778	790		1011, 1020-1 1219, 1220 1222, 1229	1279	Hester.
120	A bill prescribing who may make a will, the effect thereof, &c. . . . .	765	778, 795	796	1077		1141	Hester.
121	A bill for the incorporation of high schools,							

122	academies, colleges, universities, theological institutions and missionary boards.	765 778	799	994	Eddy.
	A bill to organize a supreme court, and prescribing certain duties of the judges thereof.....	765 778	800	994	Hester.
123	A bill providing for an organization of circuit courts, the election of judges thereof, and defining their powers and duties	765 778, 792-3, 800	949	{ 950, 1111 1124-5 1158	
124	A bill to establish and regulate ferries.....	765 778, 796-7	797	949	Hester.
125	A bill to provide for the election of State Printer, &c., &c.....	766 800	826	983	Hester.
126	A bill to authorize the formation of voluntary associations.....	766 774, 788-9	788		Hester.
127	A bill for the establishment and regulation of county libraries.....	766 800, 811, 814	814	958	Eddy.
128	A bill providing for the election, and prescribing certain duties of the clerk of the supreme court.....	766 800	811		Eddy.
129	A bill providing for the election, and prescribing certain duties of county surveyor.....	767 800	811	975	Hester.
130	A bill providing for the appointment and prescribing the duties and liabilities of deputies of certain officers.....	767 801	812	1250	Hester.
			1293, 1348	1387	
131	A bill touching townships and the boundaries thereof.....	768 801	812	975	Hester.
		768 801	812		Hester.

# BILLS AND JOINT RESOLUTIONS OF THE SENATE—Continued.

<i>Number.</i>	<i>TITLE.</i>	<i>First Reading.</i>	<i>Proceedings before passage.</i>	<i>Passed Senate.</i>	<i>Passed House.</i>	<i>Other proceedings.</i>	<i>Approved.</i>	<i>By whom introduced.</i>
132	A bill prescribing the manner of compelling officers to give new bonds and additional sureties.....							
133	A bill to enable trustees to receive lands and donations and convey the same for the use of schools, religious societies, Masonic and Odd Fellows' lodges, Sons and Daughters of Temperance, and for the construction of cemeteries, houses of worship or other buildings therein mentioned .....	769 801, 816-17		817	983 983		1141	Hester.
134	A bill to provide for the appointment of a sheriff of the supreme court, and prescribing certain of his duties and fees...	769 804		813	1309		1387	Eddy.
135	A bill to regulate the toll of grist mills, and prescribing certain duties of millers, and transferring the duties of county agent to county auditor.....	770 804		813	975		993	Hester.
136		770 804-5, 806		813	983 983, 1078		1141	Hester.
		770 806		815	975		994	Hester.

137	A bill to provide for the appointment and compensation of an attorney for the State in the supreme court.....	770	806	815			Hester.
138	A bill providing for the election of clerks of the circuit court and prescribing some of their duties.....	771	806	983	{ 983-4, 1077, 1139	1214	Hester.
139	A bill to provide for the election of county sheriffs, and prescribing some of their duties.....	771	806	815	983	{ 984, 1078 1115	Hester.
140	A bill providing for the election, prescribing the duties, and fixing the compensation of State Agent.....	771	806	816	1330	1387	Hester.
141	A bill to provide for the election, and prescribing certain duties of recorders.....	771	806, 817, 825	826	1077	1090	Hester.
142	A bill to organize the militia, providing for the appointment and prescribing the duties of certain officers thereof.....	772	807, 922-29, 973-4	992	1182	1213, 1254	Hester.
143	A bill for the incorporation of insurance companies, defining their powers and prescribing their duties, and in relation to foreign insurance companies and their agents.....	792	{ 807, 821, 827 933, 945-49	954	1307	1392	Eddy.
144	A joint resolution in relation to the Indiana Normal University for the Education of Females .....	799	817	826	993	1062	Secret.
145	A bill to provide for electing electors for President and Vice President of the United States.....	808	818	826	993	1062	Hester.

## BILLS AND JOINT RESOLUTIONS OF THE SENATE—Continued.

<i>Number.</i>	<i>TITLE.</i>	<i>First Reading.</i>	<i>Proceedings before passage.</i>	<i>Passed Senate.</i>	<i>Passed House.</i>	<i>Other Proceedings.</i>	<i>Approved.</i>	<i>By whom introduced.</i>
146	A bill to provide for the election and compensation of prosecuting attorneys, and their deputies, and prescribing certain of their duties.....	808	{ 818-21, 831-2, 908-9, 910	931	1207	{ 1207, 1221, 1224-5	1312	Hester.
147	A bill prescribing the manner of empan- neling petit jurors, the number and com- pensation thereof.....	809	827, 828	844	1007		1062	Hester.
148	A bill touching the laying out and vacation of towns, streets, alleys and public grounds, and the making and recording plats of such towns.....	809	828	844	1034		1062	Hester.
149	A bill for the incorporation of towns, de- fining their powers, providing for the election of the officers thereof, and de- claring their duties.....	824	848, 863-5, 894	894	1157		1312	Eddy.
150	A bill to repeal an act entitled an act for the relief of Michael Grannin, jr., late							



151	of Daviess county, approved Feb. 13, 1851.....	824	848, 988	988	1089	1141	Niblack.
	A bill providing for the government of the State University, the management of its funds, and for the disposition of the lands thereof.....	824	848, 988	988	1089	1141	Niblack.
152	A bill prescribing certain misdemeanors punishable only by a justice of the peace	824	856-7	865	1333	1388	Hester.
153	A bill providing for the settlement of decedents' estates, prescribing the rights, liabilities and duties of officers connected with the management thereof, and of the heirs thereto, and certain forms to be used in such settlement.....	824	853	853	1006	1214	Hester.
154	A bill regulating the admission of attorneys and counsellors at law, providing for a roll thereof, defining their duties and liabilities, and prescribing remedies against the same.....	830	857-8, 860-3, 878	879	1182	1388	Hester.
	A bill defining vagrancy, and prescribing punishment therefor.....	832	848, 929				Niblack.
155	A bill to amend acts of incorporation for the construction of plank and turnpike roads.....	850	866, 869				Hester.
156		872	883, 1001, 1010	1010	1181	1254	Milliken.

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# BILLS AND JOINT RESOLUTIONS OF THE SENATE—Continued.

1454

<i>Number.</i>	<i>TITLE.</i>	<i>First Reading.</i>	<i>Proceedings before passage.</i>	<i>Passed Senate.</i>	<i>Passed House.</i>	<i>Other proceedings.</i>	<i>Approved.</i>	<i>By whom introduced.</i>
157	A bill authorizing the appointment and prescribing the powers of commissioners in other States, to take acknowledgment of deeds and other instruments and deposits.....	876	882	896	1089		1141	Hester.
158	A bill declaring the law governing this State.....	876	882	896	1089		1141	Hester.
159	A bill touching gaming contracts.....	877	883	897	1211		1312	Hester.
160	A bill touching the marriage relation and liabilities incident thereto.....	877	883, 897, 915	915	1089		1141	Hester.
161	A bill declaring certain persons privileged from arrest on civil process.....	877	883	898	1089	898, 903	1140	Hester.
162	A bill for the prevention of frauds and perjuries, and requiring certain contracts to be in writing, and declaring certain conveyances, assignments, contracts and mortgages void.....	877	901	908	1157		1254	Hester.
163	A bill to authorize proceedings to try the							

164	right of property by virtue of any writ of execution or attachment, and claimed by any person other than the execution or attachment defendant .....	894	931	931	1157	1279	Reid.
165	A bill to provide for the government and support of the Institution for the Education of the Deaf and Dumb. ....	903	{ 909, 916, 932-3 937-8 }	938	1249	1346	Hester.
166	A bill supplemental to an act entitled an act to provide for the incorporation of railroad companies .....	935	{ 941-2-3, 951-2 1019-20, 1038-9 1174 }	1174	1350	1392	Mickle.
167	A joint resolution in relation to Stephens' Tax Rule .....	941	955, 977				Holloway.
168	A bill concerning licenses to vend foreign merchandize and clocks, to exhibit any caravan, menagerie, circus, rope and wire-dancing, puppet-show and legerdmain, and to retail spiritous and intoxicating liquors .....	944	{ 956-7, 986-7 1208, 1232 1256-7 }	1257	1314	1360	Hester.
169	A bill to authorize the sinking of a cistern in the State House square .....	950	982, 992, 1017-19	1155			Delevan.
	A bill to revise, simplify and abridge the rules of practice, pleading and forms in civil cases in the courts of this State, to abolish distinct forms of actions at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity .....	960	{ 981, 1012-17 1021-26, 1039 1054-6 }	1057	1119	1392	Law Com'rs.
					1119-22 1142 1212 1214 1223 1253		

BILLS AND JOINT RESOLUTIONS OF THE SENATE—Continued.

<i>Number.</i>	<i>TITLE.</i>	<i>First Reading.</i>	<i>Proceedings before passage.</i>	<i>Passed Senate.</i>	<i>Passed House.</i>	<i>Other Proceedings.</i>	<i>Approved.</i>	<i>By whom introduced.</i>
170	A joint resolution authorizing the Secretary of State to publish and circulate an act providing for the incorporation of railroad companies.....	988	1030, 1039	1039	1126	1182, 1193	1254	Mickle.
171	A bill to authorize the change and re-location of county seats, and to point out the rules and restrictions governing such re-location .....	1008	1033, 1039, 1185 } to 1187	1187				Turman.
172	A bill for the relief of Samuel H. Patterson, the lessee of the State Prison .....	1036	1059					Athon. Reid.
173	A bill for the benefit of Mary Page Reid,	1037	1059, 1069	1080	1181			
174	A bill to revise, simplify and abridge the practice, pleadings and forms in criminal actions in the courts of this State...	1037	1060-1, 1065-6 } 1074-5	1087	1182	{1184, 1190 } {1257-8, 1278	1388	Law Com'rs.
175	A bill to district the State into judicial circuits.....	1063	1082					Scobey. Eddy.
176	A bill for the incorporation of cities.....	1064	1080-1, 1093-4	1104	1251	{1255-6, 1287- } {8, 1297, 1309	1392	

177	A bill supplemental to an act concerning mortgages, approved May 4, 1852 .....	1065	1083, 1085				Defrees.
178	A bill to establish courts of conciliation, to prescribe rules and proceedings therein, and compensation of judges thereof, A bill for districting the State into judicial circuits .....	1066	1087, 1095 { 1082, 1174-5 1210, 1213 1234	1095	1213	1230	1312 Law Com'rs.
179	A bill containing general provisions in relation to railroad companies .....	1073		1239	1328	{ 1328, 1336-7 1354-5 1361-2	1391 Reid.
180	A bill to change the time of holding circuit courts in the county of Jennings...	1095	1105, 1145, 1160	1160	1278		1360 Eddy.
181	A bill supplemental to an act entitled "an act to create a special term of the Tippecanoe circuit court" .....	1102	1112, 1125	1125	1193		1254 Spann.
182	A bill to repeal an act entitled "an act to incorporate the town of Indianapolis," approved January 26, 1847, and all acts supplementary thereof.....	1123	1123	1124	1279		Odell.
183	A bill to repeal an act incorporating the town of Huntington.....	1124	{ 1131, 1137 1153-4, 1203 1204-5, 1206	1206			Longshore.
184	A bill fixing the salaries of public officers, and prescribing the manner of paying the same .....	1125	1137, 1154				Slack.
185	A bill providing for the organization of county boards, and prescribing some of their powers and duties .....	1136	{ 1156-7, 1161-2 1176 to 1178 1188-9				Emerson.
186		1144	1173, 1174, 1190	1190	1310		1388 Hester.

# BILLS AND JOINT RESOLUTIONS OF THE SENATE—Continued.

<i>Number.</i>	<i>TITLE.</i>	<i>First Reading.</i>	<i>Proceedings before passage.</i>	<i>Passed Senate.</i>	<i>Passed House.</i>	<i>Other Proceedings.</i>	<i>Approved.</i>	<i>By whom introduced.</i>
187	A bill to change the time of holding probate court in Dearborn county, and providing for two weeks' session, if the business require it .....							
188	A bill to provide for opening, vacating, and changing of highways.....	1170	1180	1190				Milliken.
189	A joint resolution inviting and welcoming Thomas Francis Meagher to the hospitalities of the citizens of Indiana .....	1176	1191	1203				Miller.
190	A bill providing for the election and appointment of supervisors of highways, and prescribing certain of their duties, and those of county and township officers.....	1176	1190, 1203	1203	1300		1387	Athon.
191	A bill to quiet the title to lands granted for the purpose of county seats, and to legalize the sales of any such lands or any part thereof .....	1195	1209, 1211					Miller.
		1196	1205-6	1242	1314			1360 Kendall.

192	A joint resolution to provide for the suspension of certain laws .....	1197 1208	1241	Hester.
193	A bill to provide for a register of negroes and mulattoes in this State, describing some of the duties of township assessors and clerks of the circuit court.....	1211 1243, 1266		Washburn.
194	A joint resolution in relation to the lands granted by the United States to the State of Indiana, for the use of common schools.....	1211 1244	1266	Washburn.
195	A bill to provide that the purchasers of real estate forfeited to the sinking fund, who are the legal owners, but who have purchased the State's interest for a sum greater than that due the State and interest thereon, shall not be compelled to pay the commissioners of the fund the overplus, nor interest thereon.....	1226 1226, 1231	1241 1324	Hester.
196	A bill providing for the recording of marks and brands, and prescribing the duties of township clerk in relation thereto ...	1232 1270, 1271		Slack.
197	A bill relative to probate courts .....	1263 1263-4	1264 1314	Holloway.
198	A bill supplemental to an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases, in the courts of this State..."	1293 1305-6, 1317, 1320 1320 1345	1367	Law Com'rs.

# BILLS AND JOINT RESOLUTIONS OF THE SENATE—Continued.

<i>Number.</i>	<i>TITLE.</i>	<i>First Reading.</i>	<i>Proceedings before passage.</i>	<i>Passed Senate.</i>	<i>Passed House.</i>	<i>Other Proceedings.</i>	<i>Approved.</i>	<i>By whom introduced.</i>
199	A joint resolution in relation to certain duties of the Wabash and Erie Canal Trustees, in reference to the erection of reservoirs in Clay county.....	1298	1304, 1321	1321	1360		1387	Hanna.
200	A bill to provide for the government of the institution for the blind .....	1312	1319, 1357	1357	1382		1392	Hester. Hester.
201	A bill touching the State University.....	1312	1319, 1345					
202	A bill to provide for settlement of claims against the State.....	1315	1340	1352				Berry.
203	A joint resolution requiring the publication of the acts defining crimes and misdemeanors, and providing for the punishment thereof.....	1361	1370, 1375					Holloway.



# BILLS OF THE HOUSE OF REPRESENTATIVES.

1461

<i>Number.</i>	<i>TITLE.</i>	<i>Reported from House.</i>	<i>Read a First time.</i>	<i>Proceedings before passage.</i>	<i>Passed Senate.</i>	<i>Other proceedings.</i>
2	A bill to authorize the board of county commissioners to take and approve the official bonds of sheriffs, coroners, and county recorders.....	52	52	56, 67, 83, 90	90	100, 118
3	A bill to regulate the mode of proceeding against canal companies for failing to construct, build, rebuild, repair or supply bridges at such places across such canal as said canal crosses any State or county road, or street of a town.....	400	400	852, 865	865	
5	A bill to authorize masters in chancery and probate judges to issue writs of habeas corpus, &c.....	64	66	73, 85, 91, 124, 167	167	191
6	A bill to provide for the appointment of commissioners to revise and simplify the practice and pleadings of courts of justice.....	145	145	154-5-6, 162	162	{ 165, 177 194-5
9	A bill to authorize county auditors and recorders to re-copy maps where the original copies shall have become worn or defaced.....	1245	1245	1270	1281	

BILLS OF THE HOUSE OF REPRESENTATIVES—Continued.

1462

<i>Number.</i>	<i>TITLE.</i>	<i>Reported from House.</i>	<i>Read a first time.</i>	<i>Proceedings before passage.</i>	<i>Passed Senate.</i>	<i>Other proceedings.</i>
11	A bill to authorize the Secretary of State to furnish the clerks' offices of the several counties copies of the general and local laws, and providing for binding the same .....	74	75	80, 233, 238	238	243
13	A bill to authorize the Grand Lodge of the Free Masons of the State of Indiana to erect and maintain a monument on the battle ground of Tippecanoe .....	94	94	101, 107, 121	121	191
14	A bill for the subscription to and preservation of the public newspapers printed in the several counties of this State .....	943	943	{ 955, 991, 974, 1029 1191	1191	
15	A bill to fix the time at which county treasurers shall be required to make their annual settlements, &c. ...	95	95	101, 236, 311, 312	318	324
17	A bill to provide for the appointment of a reporter, and the speedy publication of the decisions of the supreme court .....	178	178	{ 183, 293-4, 295-9 302, 331, 338	338	398-9, 428
21	A bill to limit the number of grand jurors, and to point out the mode of their selection, and repealing all laws inconsistent with this act .....	393	393	{ 397-8, 411-12, 424-7, 429-35 470-1, 495, 500, 501-9, 533 632-3, 842-3		

24	A bill providing a remedy for the illegal reduction of the aggregate valuation of real estate in the several counties in this State .....	113	113	121, 157-8, 174	224	237
25	A bill to provide for publishing the acts and joint resolutions of the General Assembly .....	131	131	142	151	
27	A bill for the more uniform mode of doing township business .....	365	365	{ 370, 472, 803-4, 817 875-6	882	
28	A bill to repeal the 11th, 12th, and 13th sections of an act to amend an act entitled "an act to amend the act entitled an act to incorporate the city of Fort Wayne, and all acts and parts of acts amendatory thereto .....	178	183	188, 383-4, 389	389	
31	A bill to regulate visiting the Indiana Hospital for the Insane .....	178	183	188, 200-1, 205	205	228, 237
33	A bill to abolish the Tippecanoe and Marion Courts of Common Pleas .....	131	131	142, 146	151	173, 181, 191
34	A bill to authorize recorders to make out general or complete indexes to records of deeds or mortgages, and to procure and use seals .....	349	349	364, 442-3	573	520
36	A bill to authorize the Governor to engage the services of a clerk to examine the maps and lists of swamp lands .....	145	146	163, 173, 180	180	181, 191
39	A bill to legalize the action of school commissioners in cases where the tax duplicates have been made out before the taking effect in their counties of the school law of 1849 .....	629	629	636, 661	676	
40	A bill to regulate the vending of wooden, brass, or composition clocks in the several counties of this State .....	562	562	574-5, 1144-5		

BILLS OF THE HOUSE OF REPRESENTATIVES—Continued.

1464

<i>Number.</i>	<i>TITLE.</i>	<i>Reported from House.</i>	<i>First Reading.</i>	<i>Proceedings before passage.</i>	<i>Passed Senate.</i>	<i>Other proceedings.</i>
42	A bill authorizing railroad companies to borrow money and to secure the repayment thereof by mortgage...	178	178	183, 222-3, 253 to 256 278 to 282, 309, 310 331, 339	339	428
44	A bill to extend the time of final payment for University lands, and to exempt purchasers of such lands from forfeitures of the same in certain cases, and provide for the sale of forfeited lands.....	225	225	239, 290, 308	309	
45	A bill to enforce the thirteenth article of the Constitution.....	984	984	998, 1003-4-5, 1135-6	1146	1195, 1346
48	A bill to provide for the sale of county seminaries, and the property belonging thereto, &c. ....	529	529	536, 737, 1131-2 1134-5, 1137-8	1155	1244
49	A bill to amend the tenth and eleventh sections of article 2, chapter 12, of part 1, of the Revised Statutes of 1843, on the subject of enlisting property for taxation.....	178	178	200, 205, 208	208	218
52	A bill to abolish the Marion court of common pleas, and to transfer the proceedings and records to the Marion circuit court.....	195	196	206, 214, 250	250	256

54	A bill regarding the forms of deeds and mortgages, and of their acknowledgment.....	366	366	{ 371, 423, 477-8-9 491-2, 1009		
56	A bill making general provisions concerning courts of justice and the powers and duties of judicial officers, A bill to provide for the incorporation of railroad companies.....	225	225	234, 353, 353-4	363	{ 372, 381 691, 703
60	A bill to empower railroad companies to receive lands, lots and other property in subscription of stocks .....	829		{ 854-5-6, 873-4-5 883 to 890, 898 to 900	900	{ 918 to 920 922
61	A bill to prevent the destruction or injury of animals, and the destruction of human life by railroads, and to provide compensation for the same .....	242	242	251, 270-1, 285	285	
62	A bill for the limitation of civil actions, and for the limitation of liens of judgments upon real estate.....	349	349	364, 477, 492 { 312, 647, 662-3, 679 720	492	493, 936, 1169
64	A bill to establish public libraries .....	289	289	{ 423, 474	493	
65	A bill authorizing circuit courts to change the names of persons and corporations .....	400	400			
67	A bill to change the time of holding courts in the 8th judicial circuit .....	276	276	288	309	
68	A bill for the encouragement of agriculture .....	310	311	315, 367	367	355
69	A bill to authorize the formation of voluntary associations .....	401	401	475	493	
70	A bill to establish courts of common pleas, and defining the jurisdiction and duties, and providing compensation for the judges thereof.....	252	252	275, 351, 475, 972		
71	A bill to provide for the election of State and county officers and repealing all former acts inconsistent with the same .....	702	703	{ 705, 731 to 734, 752 753, 755, 780 to 788 793-4-5, 915-16 622, 640, 657-8	794	{ 895-6, 901 955, 975 978, 984
72	A bill for the incorporation of county libraries.....	599	599	722-3, 930		
		134S	134S	1355-6, 1377		

## BILLS OF THE HOUSE OF REPRESENTATIVES—Continued.

<i>Number.</i>	<i>TITLE.</i>	<i>Reported from House.</i>	<i>First Reading.</i>	<i>Proceedings before passage.</i>	<i>Passed Senate.</i>	<i>Other Proceedings.</i>
73	A bill to prohibit clerks and sheriffs and their deputies from practicing law.....	1298	1299	1304, 1364-5, 1369		
76	A bill to provide for the election of electors of President and Vice President of the United States, and the compensation of certain officers and persons in relation to elections, and repealing all laws inconsistent with this act.....	289	289	312, 1009		
78	A bill to provide for a uniform enumeration of the subdivisions of sections and quarter sections in the township of land in Monroe county, reserved for a State seminary, and for making out and recording plats of such division and the compensation therefor,	310	311	315, 317, 318		
79	A bill authorizing the construction of plank, McAdams and gravel roads.....	536	536	{ 549, 706 to 708, 718 720-1		
80	A bill for the relief of the poor.....	529	529	{ 534, 726-7, 753, 1085 1103-4	722 807, 930	
81	A bill to authorize trustees and other church officers to receive conveyances of lands and donations for the use of schools, literary societies, meeting-houses,				1105 1158	



# BILLS OF THE HOUSE OF REPRESENTATIVES—Continued.

1468

<i>Number.</i>	<i>TITLE.</i>	<i>Reported from House.</i>	<i>First Reading.</i>	<i>Proceedings before passage.</i>	<i>Passed Senate.</i>	<i>Other proceedings.</i>
93	A bill to regulate the sale of swamp lands donated by the U. States to the State of Indiana, and to provide for the draining and reclaiming thereof, in accordance with the conditions of said grant . . . . .	629	629	{ 636, 850, 1064, 1075 1088-9	1089	1098
94	A bill to constitute a council to be composed of officers of State, without whose advice and consent the Governor shall not have power to grant pardons, and to regulate the granting of such pardons and the remission of fines and forfeitures . . . . .	371	372	477, 491, 1202, 1232-3	1233	1294
95	A bill to provide for the enlargement of the Indiana Hospital for the Insane . . . . .	1106	1106	1112, 1136	1154	1229
98	A bill to authorize circuit courts of this State to try and determine indictments for felonies on an enrolled copy thereof, duly certified . . . . .	339	339	339, 352, 363	364	372
99	A bill relating to prosecuting attorneys in the 4th and 8th judicial circuits . . . . .			904		
102	A bill regulating the licensing of pilots at the Falls of the Ohio, requiring bond and security of such pilots,					



103	prohibiting any unlicensed persons from acting as such pilot, and providing for the compensation of such pilots, and the revocation of their licenses.....	695	695	701, 768, 1196	1204	{ 1206-7 1244, 1246 1295
104	A bill to provide for the speedy redemption of the outstanding Treasury notes of the State of Indiana...	381	381	391, 565	589	
105	A bill to regulate the mileage of sheriffs in conveying convicts to the State Prison, and of county treasurers in making deposits, and making their settlements with the Treasurer and Auditor of State, and the mileage of members of the General Assembly...	1106	1106	1113, 1227, 1243	1243	{ 1294, 1309 1366, 1382
110	A bill to provide for the sale of the stock owned by the State of Indiana in the Madison and Indianapolis Railroad Company.....	637	637	654	679	
112	A bill to change the time of holding the probate court in Dearborn county.....	381	381	391, 393, 930	930	939
115	A bill to authorize the formation of companies for the detection and apprehension of horse thieves and other felons, and defining their powers .....	399	400	{ 474, 482-3, 663-4 679, 680, 685-6	686	704
	A bill to exempt property from sale in certain cases..	400	400	475, 513 to 519, 522-3-4	524	

# BILLS OF THE HOUSE OF REPRESENTATIVES—Continued.

<i>Number.</i>	<i>TITLE.</i>	<i>Reported from House.</i>	<i>First Reading.</i>	<i>Proceedings before passage.</i>	<i>Passed Senate.</i>	<i>Other proceedings.</i>
118	A bill to authorize alien friends to take by descent or devise real estate and dispose of the same, and releasing to alien friends lands heretofore escheated to the State, and requiring such alien friends within five years either to sell or convey said lands to citizens of this State, or remove themselves to this State, and declare their intention to become citizens of the U. S., and providing for the appointment of guardians for such of such alien friends as may be minors, and authorizing such guardians to sell and convey such real estate . . . . .	575 401	575 401	{ 597, 649, 852, 1106-7 1107-8, 1112, 1212 474-5		
120	A bill for the protection of sheep . . . . .	575	575			
122	A bill to provide for the organization of county boards, and defining their powers and duties . . . . .	401	401			
129	A bill for the recovery of property removed by high water . . . . .	452	452	{ 452-3-4, 474, 480-1 511, 562-3, 573	574	{ 599, 609 691-2, 703
131	A bill granting to all incorporated companies of this State, which possess, by virtue of their corporate	494	194	534, 548		

powers, the right to build steamboats and other vessels, the further right to construct and use marine railways and all other fixtures, &c. ....		702	703 719, 720, 972	
132 A	bill to postpone the day of the beginning of the Dearborn circuit court for the February term, 1852. ....	439	439 439-40	440
135 A	bill authorizing county auditors and their deputies to take acknowledgment of deeds and administer oaths in certain cases .....	528	528 535-6	548 563
136 A	bill declaratory of the law regulating marriages, and enforcing the same by proper penalties .....	575	575 597-8, 646	680
137 A	bill to provide for a general and uniform system of common schools, and school libraries, and matters properly connected therewith .....	1083	1083 { 1093-4, 1096-7, 1102-3, 1118, 1139-40, 1146 to 1153, 1161, 1162-3	1163 { 1192, 1221 } 1222
138 A	bill to provide for the incorporation of bridge companies .....	599	599 622, 669, 670, 688	689 704
139 A	bill to authorize and regulate the business of general banking .....	629	630 { 636, 654, 731, 832 to 842, 845-6, 847-8	1018 1037-8
142 A	bill to authorize the relocation of the seat of justice of the county of Clay, and to suspend the erection of a court house for said county, and to authorize the receiving of subscriptions and donations for the erection of public buildings in said county .....	550	550 560, 757, 1042 to 1046	
144 A	bill authorizing the proof of deeds and mortgages in certain cases therein named, for the purpose of admitting the same to record, and legalizing all records of deeds thirty years old .....	598	598 622, 647, 705, 851	

BILLS OF THE HOUSE OF REPRESENTATIVES—Continued.

<i>Number.</i>	<i>TITLE.</i>	<i>Reported from House.</i>	<i>First Reading.</i>	<i>Proceedings before passage.</i>	<i>Passed Senate.</i>	<i>Other Proceedings.</i>
150 A	bill to provide for the election of State Printer, for the public printing and binding and distribution of the laws and journals.....	608	608	621, 843		
152 A	bill authorizing the State Librarian to contract for re-covering the State House with tin; also, for the re-painting of the outside wood-work, and the necessary plastering to the same.....	695	695	701, 712	718	761
155 A	bill to regulate the taking up and impounding of animals.....	1083	1083	1091, 1095	1103	
156 A	bill to provide for the punishment of offences by imprisonment in the county jail or by fine, to point out the mode of prosecution and the requisites of the charge, and to provide for the qualified repeal of all laws inconsistent therewith.....	695	695	{ 701, 725-6, 734, 753 754, 1126		
157 A	bill for the relief Samuel H. Patterson, and to reduce his rent as lessee of the Penitentiary.....	575	576	{ 597, 603-4, 1053-4 1067, 1071-2	1072	1090
158 A	bill to legalize the election of directors of bridge companies, and the acts of such directors, and fixing					

159	the time of holding the election, and prescribing the term of office of such directors.....	599	599	622, 646, 680-1	681
164	A bill to so modify an act entitled "an act to incorporate the city of Indianapolis, as to make all officers of said city elective by the people....."	730	730	753, 756-7	757
165	A bill to repeal an act entitled "an act to amend an act authorizing the construction of plank roads," approved January 15, 1849, approved Jan. 14, 1850.	598	598	{ 622, 671, 688, 1169 1241-2	1242 { 690-1, 755 851, 1248
170	A bill to repeal an act limiting the fees of the auditor in the county of Marshall.....	598	598	622, 628,	629 { 1264, 1300
171	A bill for the regulation of weights and measures....	695	695	700-1, 1132, 1136-7	1137 { 1139, 1159 -60, 1229
173	A bill to regulate the tolls of grain mills, and prescribing the duties of millers.....	637	637	654, 843	
175	A bill to provide for the valuation and assessment of real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and the Treasurer and Auditor of State....	1164	1164	1215-18, 1223, 1227-S	1223
176	A bill to authorize the circuit court of Clinton county to sit two weeks, if the business shall require it....	702	703	720, 729	729
177	A bill to provide for the organization of canal and water works companies and for the completion of the unfinished canals in the State of Indiana.....	1106	1106	{ 1113, 1173, 1190 1220, 1232, 1267 1301	{ 1318, 1320- 1, 1358
182	A bill to provide for equalizing the appraisement of taxation of the real property of the State of Indiana	866	866	{ 871-2, 910, 965-71 980, 1101	1101 1109
	A bill to raise a revenue for State purposes for the year 1852.....	711	711		

# BILLS OF THE HOUSE OF REPRESENTATIVES—Continued.

<i>Number.</i>	<i>TITLE.</i>	<i>Reported from House.</i>	<i>First Reading.</i>	<i>Proceedings before passage.</i>	<i>Passed Senate.</i>	<i>Other proceedings.</i>
183	A bill relative to the acknowledgment and recording of deeds heretofore made and recorded.....	1138	1138	1188, 1198		
184	A bill to authorize railroad companies to bridge navigable streams.....	829		848, 853, 1302		
191	A bill to amend the 3d section of an act entitled an act to incorporate the White River Navigation Company, approved Feb. 13, 1851, and to extend the rights and privileges of said company.....	1047	1047	1059, 1243, 1248, 1252	1252	
190	A bill to provide for the erection of buildings appertaining to the State Prison.....	736	736	748, 749	749	758, 1229
193	A bill concerning mortgages.....	828	828	848, 849	853	
194	A bill concerning real property and the alienation thereof.....	867	867	872	881	
195	A bill dividing the State into counties and defining their boundaries, and defining the jurisdiction of such as border on the Ohio and Wabash rivers.....	1046	1046	{ 1068, 1073, 1078-9 1090-1	1091	1116, 1324
197	A bill explanatory to the act entitled an act providing for the election of town and city officers, and pre-					

198	scribing the qualification of electors in such elections, approved March 10, 1852, and to provide for filling vacancies in the office of councilman or trustee . . .	776	777	777	777
199	A bill concerning the accumulation, suspension of ownership, and joint tenancy of personal property . . .	866	866	869	881
200	A bill providing for the election and qualification of justices of the peace, and defining their jurisdiction, powers and duties in civil cases . . .	960	960	994-8, 1005-6, 1011	1011 { 1077, 1079 1115 }
201	A bill prescribing the powers and duties of justices of the peace in State prosecutions . . .	943	943	955, 988, 1005, 1085-6	1086
202	A bill regulating descents and the apportionment of estates . . .	867	867	870-1, 902, 906-8, 938	938
203	A bill prescribing the number and defining the powers and duties of constables . . .	1007	1007	1030	1040
204	A bill regulating general elections and prescribing the duties of officers in relation thereto . . .	934	934	941, 1006, 1110, 1114	1114
205	A bill concerning partition of lands . . .	943	943	956	978
206	A bill to provide for contesting the election to any State, district, circuit, county or township office . . .	829	829	848, 853	853
207	A bill for the protection of lands held by or mortgaged to the State, and concerning charges thereon . . .	829	829	848	854
209	A bill regarding the public works of the State . . .	985	985	998, 1064-5	1079
210	A bill concerning enclosures, trespassing animals and partition fences . . .	1113	1113	1137	1155
211	A bill regarding estrays and articles adrift . . .	1296	1296	1305, 1317	1320
	A bill regulating the granting of divorces, nullification of marriages and decrees and orders of court incident thereto . . .	902	902	908	932

# BILLS OF THE HOUSE OF REPRESENTATIVES—Continued.

Number.	TITLE.	Reported from House.	Read a first time.	Proceedings before passage.	Passed Senate.	Other Proceedings.
212	A bill regulating prosecutions in cases of bastardy, and providing for the support of illegitimate children....	867	867	872	881	
213	A bill touching official bonds.....	959	959	982, 1198, 1201	1201	
214	A bill concerning promissory notes and bills of exchange.....	902	902		931	
215	A bill to encourage the growth of silk.....	909	909	934	939	
216	A bill regulating inspectors of salt, beef, pork, flour, tobacco and hay.....	909	909	944	944	{ 945, 961-2, 1198, 1230
217	A bill concerning unlawful detention of lands, and the recovery thereof.....	934	934	941	952	
218	A bill to regulate electric telegraph companies.....	934	934	941	952	
219	A bill touching easements.....	909	909	933	939	
220	A bill for the encouragement of fire companies.....	909	909	933	939	
221	A bill concerning county prisons.....	959	959	982	991	
222	A bill concerning trusts and powers.....	1245	1245	1271, 1279	1280	
223	A bill to authorize and limit allowances by courts and boards, and drafts upon county treasurers.....	1007	1007	1030	1040	
224	A bill concerning fugitives from justice.....	1007	1007	1030	1040	



226	A bill in relation to special elections.....	909	909	934, 940	
227	A bill touching vacancies in office.....	934	934	941	952
228	A bill regulating the election and duties of State Librarian.....	935	935	941	953
229	A bill concerning the general fund and the expenditures chargeable thereon.....	935	935	941	953
230	A bill to create a special term of the Tippecanoe circuit court.....	866	866	869, 903	903 945
233	A bill to provide for, and regulating the relation of master and apprentice.....	935	935	941	953
234	A bill repealing all former acts of the Legislature except those therein named.....	1298	1299	1304, 1374, 1376, 1384	1384 1388-9
235	A bill concerning the assignment of judgments and decrees.....	935	935	941	954
236	A bill containing several provisions regarding landlords, tenants, lessors and lessees.....	943	943	955	
237	A bill declaring what documents shall be published with the Revised Statutes.....	943	943	955, 959	978
238	A bill concerning interest on money.....	984	984	999, 1000-1-2-3-10	1010
240	A bill prescribing the duties of Secretary of State.....	985	985	1006, 1010	1010
241	A bill in relation to commissions, certificates and resignations of officers.....	945	945	955	979

BILLS OF THE HOUSE OF REPRESENTATIVES—Continued.

1478

<i>Number.</i>	<i>TITLE.</i>	<i>Reported from House.</i>	<i>Read a first time.</i>	<i>Proceedings before passage.</i>	<i>Passed Senate.</i>	<i>Other Proceedings.</i>
242	A bill to submit to the voters of the counties of Perry and Spencer at the general election for the year 1852, a proposal to create a new county out of a portion of the territory of said counties, under the provisions of the 15th specification of the Schedule to the Constitution, and providing for the manner of voting on said proposition, and the duty of the officers of the election, and of the clerks of the circuit courts, and sheriffs of said counties respectively, and of the Secretary of State in relation thereto.....	945	945	954, 973	979	
243	A bill to regulate the retailing of intoxicating liquors..	1007	1007	1032-3-48 to 57-8-9,		
244	A bill concerning liens of mechanics, merchants and others.....	959	959	1265 981	988	
245	A bill concerning the three per cent. fund, and the management thereof.....	959	959	981	989	
246	A bill to authorize the Governor to sell the brick building on the Governor's Circle.....	1195	1195	1208, 1242-3		

247	A bill respecting foreign corporations and their agents in this State.....	1314	1314	1319, 1340	1340
248	A bill in relation to the construction of statutes and the definition of terms thereof.....	1298	1299	1304, 1321	1333 1337
249	A bill prescribing the powers and duties of Auditor of State.....	1007	1007	1031	1041
251	A bill for the regulation of the Penitentiary.....	957	957		990
253	A bill conveying saline lands.....	957	957	982	990
254	A bill fixing the per diem and mileage of members of the General Assembly.....	957	957	982, 991	{ 1082, 1116- 17, 1157
255	A bill prescribing the duties of Treasurer of State.....	957	957	982	
256	A bill to provide for township elections.....	1007	1007	1031, 1306	1306 1324
257	A bill in relation to county auditors.....	1007	1007	1031, 1041, 1048, 1054	1054 1107
258	A bill in relation to county treasurers.....	1047	1047	{ 1059, 1060, 1085 1111, 1117	1117 1158
260	A bill providing for the appointment of notaries public, and defining their powers and duties.....	1007	1007	1031, 1167-S, 1178, 1211	1178 1194
261	A bill touching the relation of guardian and ward.....	1158	1158	1172, 1179	
262	A bill defining who are persons of unsound mind, authorizing the appointment of guardians for such persons, defining the powers and duties of such guardians, declaring void the contracts of persons of unsound mind, and providing for their restraint when necessary.....	1007	1007	1031-2, 1039, 1083 1083 1092, 1103, 1374	1088 1098
263	A bill to regulate the hours of manual labor.....	1007	1007	1031	1041
264	A bill prescribing duties of Governor.....	1007	1007	1031	1041
265	A bill prescribing the powers and duties of coroners.....	1007	1007	1030-1	
267	A bill to provide for the opening, vacating and change of highways.....	1246	1246	1288	1302

BILLS OF THE HOUSE OF REPRESENTATIVES—Continued.

1480

<i>Number.</i>	<i>TITLE.</i>	<i>Reported from House.</i>	<i>First Reading.</i>	<i>Proceedings before passage.</i>	<i>Passed Senate.</i>	<i>Other proceedings.</i>
268	A bill to provide for the erection and repair of bridges,	1047	1047	1060, 1084	1066	
271	A bill giving validity to a certain class of contracts....	1047	1047	1060, 1066, 1084, 1124	1124	
272	A bill to repeal an act entitled an act to annex the town of Belleville, in the county of Posey, to the town of Mt. Vernon, approved February 4th, 1851,	1083	1083	1093		
273	A bill to authorize railroad companies to increase the amount of their capital stock, to increase the number of their directors and take stock in branch roads,	1195	1195	1208, 1247, 1265 1311, 1334	1334	1335, 1351
277	A bill to authorize the State Printer to print, bind, and publish one thousand copies of the laws passed by the present General Assembly, in the German language.....	1113	1113	1126, 1143, 1231, 1247	1247	
278	A bill to extend the time for complying with the provisions of an act entitled an act for the relief of the persons therein named, approved January 26, 1847..	1158	1158		1179	
279	A bill to require certain officers to execute further official bonds, and to take an additional oath of office..	1083	1083	1092, 1094, 1103, 1185	1185	

281	A bill extending the admissibility of records in evidence	1138	1138	1156, 1161, 1251		
283	A bill regulating the fees of officers	1245	1245	{ 1276, 1277, 1288-91 1302, 1312-13	1313	
284	A bill to authorize the construction of levees and drains	1167	1167	1180, 1224	1224	
285	A bill providing for the election or appointment of supervisors of highways, and prescribing certain of their duties, and those of county and township officers in relation thereto	1245	1245			
286	A bill to encourage more effectually the destruction of wolves	1113	1113	1269, 1270, 1285-6	1296	1324
287	A bill for the protection of sheep	1106	1106	1134	1154	1230
289	A bill regulating warehouses and the keepers thereof, and for the protection of persons depositing produce, goods, wares and merchandize therein, and provide for the punishment of the violation of the provisions thereof	1294	1294	1112, 1134, 1299	1299	1324
290	A bill concerning officers of municipal elections	1166	1166	{ 1303-4, 1318, 1348-9 1350		
291	A bill supplemental to an act to regulate the sale of swamp lands donated by the United States to the State of Indiana, and to provide for the draining and reclaiming thereof in accordance with the condition of said grant	1239	1239	1180, 1228	1229	
292	A bill to repeal sections 5 and 6 of an act to establish a free turnpike road in Jay county, &c.	1195	1195		1281	1308
294	A bill in relation to the printing and distribution of the Revised Statutes, and the code of the civil and criminal practice	1297	1297	1208, 1233-4, 1248-9	1249	1295
					1323	{ 1347-8, 1359 1373-4, 1375 1383

# BILLS OF THE HOUSE OF REPRESENTATIVES—Continued.

1482

Number.	TITLE.	Reported from House.	First Reading.	Proceedings before passage.	Passed Senate.	Other proceedings.
296	A bill to provide for filling vacancies in boards of county commissioners until the taking effect of the general law upon this subject .....	1127	1127	1127	1127	
298	A bill in relation to applying certain funds therein named to the payment of the public debt .....	1298	1299	1322, 1334	1334	1382
300	A bill relative to the salaries of public officers, and providing the manner of paying the same .....	1245	1245	{ 1271-6, 1282-4, 1291 1315, 1335, 1347	1363	1372, 1375-6
301	A bill regulating appeals from the award of arbitrators in certain cases .....	1239	1239		1280	
302	A bill in relation to the assessment and taxation of stock of canal companies .....	1250	1250	1267-8	1281	1306-7
305	A bill to extend the terms of the probate courts of Daviess county .....	1239	1239	1239	1239	
306	A bill to empower circuit judges to fix the times of holding circuit courts in their respective circuits .....	1298	1299	1304, 1305, 1377-81	1381	1390
308	A bill making specific appropriations for the year 1852	1336	1336	1341-45	1353	{ 1362-3
309	A bill making general appropriations for the year 1852	1329	1329	1341, 1352	1352	{ 1368
311	A bill supplemental to a bill to provide for the valua-					

tion and assessment of the real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties thereof .....	1357	1357	1370	
312 A bill supplemental to an act entitled an act to establish courts of common pleas, and defining their jurisdiction and duties, and providing for the compensation of the judges thereof .....	1318	1318	1339, 1340	
314 A bill relative to the taxation of lands in towns and cities .....	1333	1333	1353-4, 1365	1365 1382
315 A bill to provide for the appointment of trustees in the civil townships of this State .....	1322	1322	1341	
316 A bill amendatory of the charter of the town of Clarksville, in Clark and Floyd counties .....	1309	1309	1319	
317 A bill to appropriate unappropriated Michigan road land funds to school purposes .....	1345	1345	1355	1369
318 A bill declaring the word "ten" in the 10th section of an act to incorporate the town of Plymouth, Marshall county, approved February 11th, 1852, a misprint .....	1359	1359		1371
319 A bill to suspend certain acts therein named .....	1359	1359	1371	1371

## JOINT RESOLUTIONS OF THE HOUSE OF REPRESENTATIVES.

1484

<i>Number.</i>	<i>TITLE.</i>	<i>Reported from House.</i>	<i>First Reading.</i>	<i>Proceedings before passage.</i>	<i>Passed Senate.</i>	<i>Other Pro- ceedings.</i>
1	A joint resolution relative to the revision of the laws,	58	58	68, 82, 768		
2	A joint resolution relative to American influence abroad, the Hungarian revolution, and Louis Kossuth .....	96	96	101, 112		
5	A joint resolution in relation to mistakes in the pur- chase of lands in the State of Indiana .....	177	178	183, 191, 194, 294, 308	308	
6	A joint resolution in regard to the distribution of pub- lic lands .....	145	146	163, 768		
7	A joint resolution in relation to swamp lands .....	196	196	206		
8	A joint resolution relative to Wm. Smith O'Brien and others .....	192	192	195	205	
9	A joint resolution in relation to newspaper postage .....	196	196	206, 211, 223	223	
10	A joint resolution relating to the harbor of Michigan City .....	196	196	206, 376, 538-9	543	
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Berry, on Senate bill No. 153.....	1269
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# RESOLUTIONS OF THE SENATE.

## SUBJECT MATTER OF.

	<i>Introduced.</i>	<i>Movers' Names.</i>	<i>Adopted.</i>
Directing the Secretary of the Senate to inform the House of Representatives of the organization of the Senate.....	6	Mr. Reid.	6
Appointing a committee of two on the part of the Senate to act with a similar committee on the part of the House, to wait upon the Governor and inform him of the organization of the two Houses.....	6	Mickle.	6
Adopting the rules of the last session for the government of the Senate, during the present session, so far as the same are not repugnant to the constitution of the State of Indiana.....	6	Cravens.	6
Admitting reporters for papers to occupy seats within the bar of the Senate. Relative to the appointment of a committee to report rules and joint rules for the government of the Senate at its present session.....	8	Turman.	8
Authorizing the Principal and Assistant Secretaries to employ a competent number of assistants.....	8	Mickle.	8
Requesting the Door-Keeper to furnish each of the Senators a copy of the constitution of the State of Indiana.....	8	Athon.	8
Directing the Door-Keeper to furnish each member of the Senate with a copy of the Journal of the Senate and House of Representatives of the last session of the Legislature.....	8	Cravens.	9
	9	Winstandley.	9

# RESOLUTIONS OF THE SENATE—Continued.

## SUBJECT MATTER OF.

	<i>Introduced.</i>	<i>Movers' Names.</i>	<i>Approved.</i>
Directing the Doorkeeper to procure newspapers for the use of the members of the Senate.....	10	Mr. Turman.	10
Relative to printing the Governor's message.....	16	Turman.	10
Relative to the appointment of a committee to inquire and report what standing committees are necessary under the present constitution.....	26	Dawson.	27
Directing the Door-Keeper to make certain arrangements with the Postmaster of this city.....	27	Turman.	27
Directing the Door-Keeper of the Senate to contract for newspapers.....	27	Milliken.	28
Fixing the time for the election of State Agent.....	28	Sleeth.	29
Instructing the Door-Keeper of the Senate to procure for the use of each member one copy of the Revised Statutes of 1843, and one copy of the general and local laws of the last General Assembly.....	28	Emerson.	29
Relative to the expense incurred in procuring the enrollment of the acts of the last General Assembly.....	29	Emerson.	29
Relative to the appointment of a standing committee on Federal Relations.....	32	Emerson.	33
Relative to the appointment of a committee to report congressional districts..	34	Mickle.	
Relative to laying off the State into five districts for the election of five supreme judges.....	36	Hanna.	

Authorizing the Door-Keeper to procure stamps for papers.....	40	Athon.	40
Authorizing the committee on Printing to contract with the Postmaster as to the pre-payment of postage upon documents .....	40	Reid.	
Instructing the committee on Benevolent Institutions to amend certain sections of an act for the government of the Indiana Hospital for the Insane.....	41	Emerson.	41
Relative to the assessment law of last session.....	45	Milliken.	45
Relative to the term of office of circuit judges appointed by the Governor.....	45	Emerson.	45
Relative to creating a Board of Equalization.....	45	Holloway.	45
Directing the Librarian to furnish the Senate with the table of the seventh census of the State of Indiana .....	46	Mickle.	46
Authorizing the Door-Keeper to subscribe for the Volks Blatt .....	48	Milliken.	
Relative to the "pardonng power".....	52	Niblack.	52
Relative to the subjects embraced in the 22d and 23d sections of article 4, of the present constitution .....	52	Emerson.	52
Relative to revising the laws of the different benevolent institutions.....	53	Hicks.	53
Relative to adjournment.....	53	Eddy.	53
Relative to making a geological survey of this State.....	54	Niblack.	54
Relative to the assessment of a tax for county purposes on railroads, plank roads, &c., in proportion to the value thereof in each county.....	54	Spann.	55
Relative to the appointment of a committee on swamp lands.....	60	Eddy.	60
Authorizing the county commissioners to approve of official bonds.....	61	Washburn.	61
Instructing the committee on Corporations to report a bill condensing in one act the several acts in relation to the Manchester, Pleasant Ridge and Elizabeth Turnpike Company .....	61	Milliken.	61
Relative to the militia law now in force in this State.....	61	Miller.	61
Relative to the amount of property now exempt by law from seizure or sale for the payment of debts .....	61	Emerson.	61
Relative to the general expenses of the Agent of State.....	61	Reid.	62

## RESOLUTIONS OF THE SENATE --Continued.

## SUBJECT MATTER OF.

<i>Introduced.</i>	<i>Movers' Names.</i>	<i>Adopted.</i>
Relative to the assessment law .....	Mr. Niblack.	64
Relative to the establishment of Houses of Refuge for the correction and re-formation of juvenile offenders .....	Woods.	65
Relative to the committee on Phraseology and Arrangement of Bills .....	Reid.	65
Relative to the revenue law .....	Miller.	65
Relative to increasing the salary of the Governor .....	Woods.	68
Relative to the consolidation of the common school fund .....	Secrest.	69
Relative to adjournment .....	Berry.	75
Relative to a revision of the laws .....	Niblack.	75
Relative to the assessment law .....	Winstandley.	75
Relative to persons residing upon swamp lands .....	Kendall.	75
Relative to passing a general banking law .....	Defrees.	78
Relative to the Tippecanoe battle ground .....	Saffer.	78
Relative to a higher rate of interest than 6 per cent. on contracts for money loaned, other than by banks or associated capital .....	Spann.	78
Relative to the amount of money deposited with the various land offices for the entry of swamp lands .....	Kendall.	78
Relative to the assessment law .....	Slack.	78

Relative to printing the rules of the Senate.....	78	James.	79
Relative to that portion of the Governor's message which refers to fines and forfeitures.....	79	Defrees.	79
Relative to a re-organization of the committees of the Senate.....	79	Secret.	104
Relative to a revision of the law in relation to the organization of plank road companies.....	80	Winstandley.	80
Relative to the election of Trustees of the Indiana Asylum for the Education of the Deaf and Dumb.....	86	Emerson.	86
Relative to erecting buildings on the Governor's Circle, for the use of the United States, this State, and the City of Indianapolis.....	86	McCarty.	86
Relative to the propriety of allowing witnesses mileage for traveling to and returning from the circuit court.....	86	Knowlton.	86
Authorizing the committee on Education to employ a clerk.....	87	Athon.	87
Relative to township assessors.....	87	Miller.	87
Relative to giving county auditors power to take acknowledgments of all instruments of writing, &c.....	89	Winstandley.	89
Relative to county treasurers making deposit of State revenue—to be paid a reasonable compensation.....	89	Delevan.	89
Relative to a bill regulating elections.....	89	Goodman.	89
Requesting the Auditor of State to communicate to the Senate the number of acres of swamp lands in each of the counties, cost of survey, &c.....	97	Eddy.	97
Instructing the committee on Roads to revise the present Road law.....	97	Miller.	97
Requiring the Auditor of State to lay before the Senate a statement of the expenses of the office of Agent of State.....	97	Allen.	97
Instructing the committee on Elections to report a bill governing elections ..	98	Reid.	98
Instructing the committee on Printing to ascertain the probable cost of printing all bills presented to this body.....	101	Dunn.	101

# RESOLUTIONS OF THE SENATE—Continued.

## SUBJECT MATTER OF.

<i>Introduced.</i>	<i>Movers' Names.</i>	<i>Adopted.</i>
Instructing the committee on Finance to report a bill providing for township assessors.....	Mr. Emerson.	102
Instructing the committee on Judiciary relative to a re-organization of the standing committees of the Senate.....	Secrest.	102
Instructing the committee on Federal Relations to inquire whether any changes are necessary in the existing laws relative to the boundaries of this State, and of the several counties.....	Niblack.	110
Instructing the Judiciary committee in relation to the law for a change of venue.....	Mickle.	110
Instructing the Judiciary committee to inquire what changes are necessary in the law relative to crimes and punishment.....	Niblack.	110
Requesting the committee on Elections to remodel the laws of this State upon elections.....	Defrees.	111
Instructing the Judiciary committee relative to grand juries.....	Slack.	111
Instructing the committee on Education to change the present school law...	Hickman.	111
Instructing the committee on Agriculture to amend the law concerning mills and millers.....	Mickle.	111



Instructing the committee on the Organization of Courts relative to organization and jurisdiction of the several courts of justice in this State . . . . .	111
Relative to the appointment of a standing committee on the transaction of county and township business . . . . .	111
Relative to the appointment of a committee on the pleadings and practice of courts of justice . . . . .	113
Requesting the committee on Finance to devise some means by which a fund may be raised for the colonization of the negroes of this State . . . . .	113
Relative to the number of causes now pending in the Supreme Court . . . . .	115
Substitute for the above resolution . . . . .	115
Instructing the committee on the Judiciary relative to the charter of the State Bank . . . . .	128
Instructing committee to inquire whether the present General Assembly has power to amend or to modify "an act to apportion Senators and Representatives for the next five years . . . . .	129
Instructing the committee on the Organization of Courts to inquire into the expediency of abolishing the present grand jury system . . . . .	129
Relative to excusing members from serving on any standing committee. . .	129
Instructing the committee on Judiciary to report a bill providing for the enclosure of the Tippecanoe battle ground . . . . .	129
Instructing the committee on Judiciary to inquire into the expediency of exempting from taxation railroad stocks that are acquired by the transfer of lands therefor . . . . .	132
Relative to the Treasurer of State giving notice to the holders of State scrip to present the same for payment within a limited period . . . . .	135
Instructing the committee on Education to inquire relative to the seminary fund . . . . .	135

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Emerson.	113
Defrees.	113
Milliken.	115
Secrest.	115
Eddy.	128
Niblack.	129
Longshore.	129
Emerson.	129
Milliken.	129
McCarty.	132
Delevan.	135
Reid.	136

# RESOLUTIONS OF THE SENATE—Continued.

## SUBJECT MATTER OF.

	<i>Introduced.</i>	<i>Movers' Names.</i>	<i>Approved.</i>
Requesting the Secretary of State to furnish the Senate a statement of the number of votes given in each county for and against the 13th article of the Constitution .....	143	Mr. Emerson.	143
Instructing the committee on Practice and Pleadings to inquire into the expediency of abolishing capital punishment .....	149	Knowlton.	150
Relative to the re-organization of the joint committee on Phraseology and Arrangement of Bills .....	150	Reid.	150
Relative to the appointment of a committee to prescribe the powers and duties of the joint committee on Phraseology, &c. ....	150	Reid.	150
Requesting the committee on Corporations to report a general law on railroad charters .....	160	Brugh.	161
Requesting the House to return to the Senate bill of the House No. 33 .....	161	McCarty.	161
Relative to adjournment .....	164	Dunn.	
Instructing the committee on Education to inquire whether the general Assembly has power to grant away or dispose of estates escheating to the State for want of heirs, for any purpose other than specified in sec. 2, art. 8 of the Constitution .....	164	Emerson.	165
To print bills in the form of solid matter .....	172	Holloway.	172

Relative to selling property for taxes.....	172	Miller.	172
In relation to the jurisdiction of justices of the peace.....	172	Delevan.	172
Relative to exempting libraries for taxation.....	174	Dunn.	174
To adjourn for three days.....	179	Mickle.	179
On the subject of an appropriation for colonization purposes.....	180	Milliken.	192
To adjourn to meet on Friday.....	192	Holloway.	192
Relative to a reduction in the poll tax.....	192	Spann.	192
Fixing the time to elect commissioners to revise the practice.....	198	Mickle.	198
Relative to the election of supervisors, &c.....	199	Reid.	199
On the subject of repealing laws regulating the traffic of spirituous liquors.....	199	Hester.	200
Relative to the sale of the interest of the State in the Madison & Indianapolis Railroad.....	202	Delevan.	203
To print 1000 copies of Prof. Read's address.....	203	Niblack.	203
On the subject of general elections.....	203	Miller.	203
To appoint a President <i>pro tem.</i> of the Senate.....	203	Niblack.	204
To grant the use of the Senate Chamber to the State Temperance Convention.....	207	Milliken.	207
On the subject of changing the law in relation to line fences.....	207	Teegarden.	207
In relation to making sheriffs <i>ex officio</i> administrators in certain cases.....	207	Hatfield.	208
To refer certain articles in the Revised Code to the committee on the Judiciary.....	217	Reid.	217
To abolish the grand jury.....	217	Emerson.	222
To appoint a committee for districting the State for judicial purposes.....	222	Reid.	222
Directing the Auditor of State to furnish a statement of the expenses of the Constitutional Convention.....	223	Defrees.	223
Relative to the printing of bills.....	223	Emerson.	223
Directing the committee on Finance to report a bill fixing the salaries of officers.....	228	Emerson.	231
Directing the committee on Temperance to report a bill.....	230	Teegarden.	231
Relative to the time of adjournment from day to day.....	235	Athon.	235

# RESOLUTIONS OF THE SENATE—Continued.

## SUBJECT MATTER OF.

	<i>Introduced.</i>	<i>Movers' Names.</i>	<i>Adopted.</i>
On the subject of the stay law.....	235	Mr. Miller.	235
To adjourn to meet on the next day.....	235	Emerson.	235
Relative to chairmen of committees.....	238	Reid.	238
Relative to school districts.....	239	Crawford.	239
In relation to insane persons.....	250	Athon.	250
To revise the laws on the subject of incorporating towns.....	250	Miller.	250
Relative to the expenses of conveying persons to the Insane Hospital.....	270	Niblack.	270
To adjourn to meet on Monday.....	270	Dawson.	270
Directing the committee on the State Prison to visit the same.....	271	Hatfield.	272
Relative to amending the execution laws.....	272	Miller.	272
Directing the secretaries and doorkeeper to report the number of their assistants.....	282	Reid.	283
In relation to revising the laws regulating public printing.....	283	Emerson.	283
Relative to amending the road law.....	283	Reid.	283
Relative to the time of adjourning from day to day.....	291	Athon.	291
Relative to the State Printer.....	291	Emerson.	291
On the subject of the swamp lands.....	291	Eddy.	510
To protect the purchasers of the swamp lands.....	303	Teegarden.	303
In relation to the erection of a State Arsenal.....	303	Alexander.	303

To rescind a resolution dispensing with afternoon sessions.....	303	Emerson.	306
Relative to a specific road tax.....	303	Delevan.	303
In relation to liens upon boats.....	304	Turman.	304
To amend the 39th rule.....	306	Reid.	306
Relative to swamp lands.....	306	Dawson.	306
Directing the committee on Printing to report a bill providing for the election of State Printer by the people.....	307	Emerson.	307
Granting the use of the Senate Chamber to A. D. Wright.....	316	Athon.	316
Directing that a copy of each bill printed be laid on the Governor's table.....	323	Reid.	323
Relative to the assessment law.....	323	Reid.	323
Requiring certain officers to file certified copies of their oath.....	334	Niblack.	334
Relative to tavern keepers, &c.....	334	Saffer.	334
On the subject of colonization.....	334	Dunn.	335
Relative to the local laws on the subject of township assessors.....	335	Emerson.	336
In relation to prosecuting attorneys.....	350	Niblack.	350
Relative to probate courts.....	355	Defrees.	355
To adjourn to meet on Monday.....	355	Teegarden.	355
In relation to fees in criminal cases.....	356	Secret.	356
To adjourn <i>sine die</i> .....	380	Reid.	380
In relation to exempting from taxation railroads in the progress of construc- tion.....	393	Saffer.	393
Relative to purchasing of Elihu Stout a file of the Western Sun and General Advertiser.....	396	Niblack.	396
To place on the table of the Law Commissioners a copy of each printed bill To adjourn to meet on Monday.....	396	Reid.	397
Instructions to amend House bill No. 21.....	399	Athon.	399
To adjourn to meet on the next day.....	403	Niblack.	403
To go into election of Reporter of the decisions of the Supreme court.....	427	Eddy.	427
	440	Slack.	440

Emerson.  
Delevan.  
Turman.  
Reid.  
Dawson.

Emerson.  
Athon.  
Reid.  
Reid.  
Niblack.  
Saffer.  
Dunn.

Emerson.  
Niblack.  
Defrees.  
Teegarden.  
Secret.  
Reid.

Saffer.

Niblack.  
Reid.  
Athon.  
Niblack.  
Eddy.  
Slack.

# RESOLUTIONS OF THE SENATE—Continued.

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## SUBJECT MATTER OF.

	<i>Introduced.</i>	<i>Movers' Names.</i>	<i>Adopted.</i>
To adjourn over to Monday.....	451	Mr. Spann.	451
In relation to the right of protest and the protest against House bill No. 83.	468	Berry.	
To take a recess from the 23d of Feb. to the 7th of June.....	469	Dunn.	
In relation to the newspapers subscribed for by the Senate.....	471	Berry.	
Relative to visiting the State Prison.....	476	Goodman.	476
Relative to granting leave of absence.....	483	Goodman.	
In relation to the sale of the State's interest in the State Bank.....	484	Alexander.	484
In relation to the right of protest and the protest against House bill No. 83.	484	Berry.	485
To refer the petition of the judge of the 5th circuit.....	500	Secrest.	500
Relative to a mouse in the State Library.....	509	Teegarden.	510
Relative to hedge fences.....	522	Reid.	522
To elect a President <i>pro tem.</i> of the Senate.....	529	Reid.	529
To adjourn to meet on Monday.....	530	Holloway.	530
In relation to modifying the grand jury.....	531	Goodman.	532
Making certain inquiries of the Cashier of the State Bank.....	541	Slack.	541
Relative to changing the time of holding elections for members of Congress.	541	Sleeth.	542
Making certain inquiries of the Auditor, Secretary and Treasurer of State.	542	Athon.	542
Relative to the banking law.....	554	Hatfield.	554

Relative to the lecture of Dr. R. T. Brown .....	568	Sleeth.	568
On the subject of recording field notes .....	568	Miller.	568
Relative to the New Albany and Vincennes Plank Road Company .....	568	Niblack.	569
Relative to the road law .....	588	Kinnard.	588
To print the address of Rev. S. K. Hoshour and the address on Popular Education .....	592	Goodman.	592
Calling for certain information from the Cashier of the State Bank .....	601	Milliken.	602
To investigate the claim of the lessee of the State Prison .....	610	Athon.	610
To adjourn to meet on Wednesday .....	614	Eddy.	614
To adjourn to meet on Friday .....	619	Knowlton.	619
To appoint a committee to wait on Gov. Kosuth .....	625	Reid.	625
To adjourn .....	630	Eddy.	630
Relative to granting leave of absence .....	637	Saffer.	637
To adjourn over to a given day .....	637	Slack.	637
To adjourn over to a given day .....	638	Slack.	638
Relative to the clerks of committees .....	639	Milliken.	639
Relative to the business before committees .....	640	Cravens.	640
Against granting the use of the Senate Chamber for the purpose of political meetings .....	651	Saffer.	651
Relative to the report of the Law Commissioners .....	651	Mickle.	652
To appoint a committee to visit the State Prison .....	652	Athon.	652
To adjourn over to a given day .....	676	Hester.	678
To go into the election of a Law Commissioner to fill a vacancy .....	686	Slack.	687
To compel the attendance of absentees .....	692	Eddy.	694
Requesting the Governor to return Senate bill No. 85 .....	694	Reid.	694
Requesting the House to return the adjournment resolution .....	697	Niblack.	696
Tendering thanks to Lt. Gov. Lane .....	713	Defrees.	713
To elect a President <i>pro tem</i> .....	713	Berry.	714

# RESOLUTIONS OF THE SENATE—Continued.

## SUBJECT MATTER OF,

SUBJECT MATTER OF,	<i>Introduced.</i>	<i>Movers' Names.</i>	<i>Adopted.</i>
To go into the election of Trustees of the State University.....	715	Mr. Hester.	715
Directing the Secretary of the Senate to deliver bills on file to the committee on Revision .....	727	Emerson.	727
Relative to printing bills coming from the committee on Revision .....	727	Hickman.	728
To print certain addresses .....	728	Goodman.	728
To print additional copies of titles of acts.....	728	Goodman.	750
Defining the number of the joint committee on Revision .....	736	Slack.	757
To adjourn to meet at six o'clock.....	750	Cravens.	760
To allow the Door-Keeper three dollars per day .....	757	Milliken.	773
Tendering thanks to the President <i>pro tem.</i> .....	760	Knowlton.	780
That the Senate meet at 8 o'clock, A. M.....	773	Hickman.	785
Directing the State Printer to print 250 copies of the Code of Practice and Pleadings .....	780	Reid.	792
To proceed to the election of a President <i>pro tem.</i> .....	785	Berry.	792
To deliver to the Trustees of the State University 250 copies of the report of said Trustees .....	792	Cravens.	792
To adjourn to meet on Monday.....	795	Slack.	792



Call on the Secretary of State for certain information relative to the Madison and Indianapolis Railroad Company .....	798	Emerson.	799
Directing the State Printer to furnish the Assistant Secretary with the proof sheets of the Senate journal .....	799	Reid.	799
In relation to taxing the lands of the Wabash and Erie Canal .....	799	Miller.	799
Directing the committee on Revision to superintend the arrangement of amendments to bills .....	799	Emerson.	799
To print 1000 copies of Rev. J. Mitchell's answer to a resolution of the House on the subject of Colonization .....	825	Reid.	844
Relative to the State's interest in the State Bank of Indiana .....	844	Slack.	852
In favor of common schools and against the Maine law .....	852	Berry.	857
To adjourn to meet on Monday .....	857	Dawson.	
To note on the journal the name of each Senator making a motion to adjourn, and the hour at which such motion is made .....	859	Milliken.	
To appoint a committee to divide the State into judicial circuits .....	906	Reid.	906
Relative to the Insane Hospital .....	935	Hicks.	935
Requesting the Governor to return House bill No. 110 .....	939	Milliken.	939
Making certain inquiries of the Auditor relative to the valuation of property and a State Board of Equalization .....	951	Milliken.	951
Instructing the Secretary of State in regard to the enrollment of House bill No. 70 .....	955	Hester.	955
To adjourn to meet at half past 2 o'clock, P. M. ....	996	Mickle.	996
On the subject of the Temperance petitions .....	1036	Satler.	1110
Authorizing the Secretary of State to employ an additional number of clerks, Fixing a time to adjourn <i>sine die</i> .....	1055	Hester.	1069
In relation to the death of Mrs. Wright .....	1069	Miller.	1070
Relative to repealing the charter of the city of Indianapolis .....	1070	Todd.	1086
	1086	Niblack.	

# RESOLUTIONS OF THE SENATE—Continued.

## SUBJECT MATTER OF.

	<i>Introduced.</i>	<i>Movers' Names.</i>	<i>Adopted.</i>
Calling upon the Auditor of State for certain information relative to unequal assessment .....	1086	Mr. Holloway.	1086
Requesting the House to return the message of the Senate in relation to Senate bill No. 123.....	1111	Reid.	1111
To adjourn to meet on Monday .....	1127	Longshore.	
To adjourn <i>sine die</i> .....	1170	Milliken.	
Relative to the pay of members .....	1171	Mickle.	1202
To meet half past 7 o'clock, A. M.....	1175	Athon.	1175
Requesting the Governor to furnish the Senate with a copy of Dr. Mullen's report.....	1175	Berry.	1175
In relation to exempting property from taxation in certain cases.....	1188	Holloway.	1188
To adjourn <i>sine die</i> .....	1196	Sleeth.	1197
Authorizing the Secretary of State to employ clerks to enroll bills .....	1197	Emerson.	1197
Relative to fixing the time of holding circuit courts.....	1198	Hester.	1198
Directing the State Printer to print 250 copies of certain laws .....	1203	Reid.	1203
To meet at 6 o'clock, A. M.....	1208	Niblack.	
Tendering thanks to Hon. James H. Lane, Lieutenant Governor and President of the Senate.....	1220	Holloway.	1220

To adjourn.....	1227	Hester.	1227
Relative to printing the laws, and calling on the State Printer for information .....	1263	Reid.	1263
Relative to new business .....	1297.	Sleeth.	1311
Requesting the House to return Senate bill No. 176.....	1311	Eddy.	1312
Directing the Secretaries, Door-Keepers, and chairmen of committees to report the names of their several employees.....	1312	Berry.	1317
Requesting the State Printer to furnish 250 copies of the amendments to the civil and criminal code.....	1317	Slack.	1325
Tendering thanks to the Hon. S. S. Mickle, President <i>pro tem.</i> of the Senate,	1325	Hester.	1325
Tendering thanks to the Hons. J. S. Hester and Norman Eddy, of the joint committee on Revision .....	1341	Hanna.	1341
Relative to the mileage of Senators.....	1365	Hunt.	1365
Directing the Secretary of the Senate to correct the bill concerning salaries..	1386	Hester.	1387
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# ERRATA.

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Page 189, line 16th, for "Senate bill" read "House bill."

" 224, at the bottom of the page, "No. 12 of the House, a joint resolution in relation to patents," evidently should have read "No. 11 of the House, a joint resolution in relation to a donation of lands for a geological and topographical survey."

" 256, line 5th from the bottom, for "David L. Land" read "David T. Laird."

" 307, line 11th from the top, for "25" read "55."

" 353, line 13th, for "57" read "51."

" 355, line 16th, for "68" read "67."

" 424, line 13th, for "Senate bill" read "House bill."

" 453, line 23d, for "bring" read "being."

" 495, line 16th, for "12" read "21."

" 500, line 5th, for "12" read "21."

" 501, line 7th, for "12" read "21."

" 533, line 2d, for "Senate bill" read "House bill."

" 549, for "House bill No. 84" read "Senate bill No. 84."

" 599, line 15th, for "38" read "138."

" 640, line 4th, "Senate bill No. 39" is evidently an error.

" 672, line 3d from the bottom, for "95" read "93."

" 675, line 13th from the top, for "affirmative" read "negative."

" 977, in Mr. Turman's report, for "74" read "14."

" 982, line 7th, for "205" read "255"

" 988, for "House bill No. 150" read "Senate bill No. 150."

" 1684, in the first paragraph of Journal of May 25, for "173" read "175."

" 1690, line 5th from the bottom, for "255" read "155."

" 1131, for "Senate bill No. 88" read "House bill No. 88."

" 1137, for "309" read "209."

" 1190, for "House bill No. 186" read "Senate bill No. 186," and for "Senate bill No. 178" read "Senate bill No. 187."

" 1208, for "House bill No. 146" read "House bill No. 246."

" 1319, for "House bill No. 346" read "House bill No. 246."

" 1329, for "bill of the Senate No. 105" read "bill of the Senate No. 103."

" 1333, for "House bill No. 243" read "House bill No. 248."

" 1340, for "House bill No. 124" read "Senate bill No. 124."

" 1347, for "House bill No. 85" read "Senate bill No. 85."

" 1351, for "House bill No. 272" read "House bill No. 273."

" 1352, for "House bill No. 202" read "Senate bill No. 202."

" 1358, for "Senate bill No. 105" read "Senate bill No. 103."











